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ORDINANCES AND RESOLUTIONS  
OF THE  
**MAYOR AND CITY COUNCIL**  
OF BALTIMORE. ORDINANCES, etc.

PASSED AT THE ANNUAL SESSION 1980-1981



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Baltimore  
20th Century Printing Company, Inc.  
City Printers  
1981



ORDINANCES AND RESOLUTIONS  
OF THE  
MAYOR AND CITY COUNCIL

OF BALTIMORE

PASSED AT THE ANNUAL SESSION 1980-1981

Maryland  
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1980/81  
vol. 1



# ORDINANCES

PASSED AT THE ANNUAL SESSION

1980-1981

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No. 213

(Council No. 317)

AN ORDINANCE concerning

## ZONING—APPROVAL FOR CONDITIONAL USE PARKING LOT

FOR the purpose of granting permission for the establishment, maintenance and operation of an open off-street parking area on the property located on the Baltimore City College campus at 3220 The Alameda as outlined in red on the plats accompanying this ordinance.

BY authority of

Article 30—Zoning

Sections 4.7-1d and 11.0-6d

Baltimore City Code (1976 Edition, as amended)

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That permission is hereby granted for the establishment, maintenance and operation of an open off-street parking area on the property located on the Baltimore City College campus at 3220 The Alameda as outlined in red on the plats accompanying this ordinance, under the provisions of Sections 4.7-1d and 11.0-6d of Article 30 of the Baltimore City Code (1976 Edition, as amended) title "Zoning".

SEC. 2. *And be it further ordained*, That upon passage of this ordinance by the City Council, as evidence of the authenticity of the plat which is a part hereof and in order to give notice to the departments which are administering the Zoning Ordinance, the President of the City Council shall sign the plat and when the Mayor approves the ordinance, he shall sign the plat. The Director of Finance shall then transmit a copy of the ordinance and one

of the plats to the following: the Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of the Department of Housing and Community Development and the Zoning Administrator.

SEC. 3. *And be it further ordained*, That this ordinance shall take effect thirty days from the date of its passage.

Approved January 2, 1981.

WILLIAM DONALD SCHAEFER, *Mayor*.

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No. 214

(Council No. 321)

AN ORDINANCE concerning

DISORDERLY CONDUCT AT CITY COUNCIL  
MEETINGS

FOR the purpose of prohibiting disorderly and disruptive behavior at Baltimore City Council meetings and providing penalties.

BY adding to

Article 19—Police Ordinances

Subtitle—City Council Meetings

Sections 218 and 219

Baltimore City Code (1976 Edition, as amended)

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That Sections 218 and 219 be and they are hereby added to Article 19 of the Baltimore City Code (1976 Edition, as amended), to read as follows:

218. *Disorderly conduct; prohibited.*

*No person shall act in a disorderly manner to the disturbance of the public peace at any meeting OR COMMITTEE MEETING of the Baltimore City Council, whether the Baltimore City Council be meeting at Baltimore City Hall or at any other location.*



219. *Same; penalty.*

*Any person violating WHO CONTINUES TO VIOLATE the prohibitions of Section 218 AFTER A REQUEST FOR ORDER BY THE PRESIDING OFFICER shall be deemed guilty of a misdemeanor; and upon conviction thereof, shall be subject to a fine of not more than five hundred dollars, or be confined in jail for a period of not more than sixty days or be both fined and imprisoned in the discretion of the court. ANY PERSON VIOLATING THE PROVISIONS OF SECTION 218 AFTER HAVING BEEN CONVICTED OF A PRIOR VIOLATION OF THAT SECTION OCCURRING WITHIN THE PRECEDING 12 MONTHS SHALL BE FINED NOT LESS THAN ONE HUNDRED DOLLARS FOR EACH VIOLATION, AND MAY BE IMPRISONED FOR NOT MORE THAN 10 DAYS IF THE FINE IS NOT PAID.*

SEC. 2. *And be it further ordained, That this ordinance shall take effect thirty days from the date of its passage.*

Approved January 2, 1981.

WILLIAM DONALD SCHAEFER, *Mayor.*

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No. 215

(Council No. 393)

AN ORDINANCE concerning

CARRYING OF FIREARMS

FOR the purpose of prohibiting the carrying of certain firearms, providing exceptions and providing penalties.

BY amending

Article 19—Police Ordinances

Section 98

Baltimore City Code (1976 Edition, as amended)

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore, That Section 98 of Article 19 of the Balti-*

more City Code (1976 Edition, as amended) be and it is hereby repealed and reordained with amendments to read as follows:

**[Possession] *Carrying of Firearms***

**98. Unlawful to Carry; exceptions.**

a. It shall be unlawful for any person to carry in any vehicles or about his person, except in his place of abode, fixed place of business, *target range, gun show, historic re-inactment or civil RE-ENACTMENT OR CIVIC event held on a National Monument or a Historic Shrine or parade for which a permit has been obtained*, any rifle, shotgun or other firearms the barrel of which is over 14 inches in length; provide that this section shall not apply to:

(1) Marshals, sheriffs, prison or jail wardens or their deputies while in the performance of their official duty.

(2) Policemen or other law enforcement officers.

(3) Members of the armed forces of the United States or of the National Guard or Organized Reserves when on duty.

(4) Holders of special police commissions issued under §§ 60 to 70 of Article 41 of the Annotated Code of Maryland, while actually on duty on the property for which the commission was issued or while travelling to or from such duty.

(5) Uniformed security guards, special railway police, and watchmen who have been cleared for such employment by the ~~Maryland State Police~~ APPROPRIATE GOVERNMENTAL AGENCY, while in the course of their employment or while travelling to or from the place of employment.

(6) Guards in the employ of a bank, savings and loan association, building and loan association, or express or armored car agency, while in the course of their employment or while travelling to or from the place of employment.

(7) Manufacture, transportation or sale of weapons to persons authorized under law to possess such *under the laws of the United States*.



**[(8)** Transportation of weapons broken down in a nonfunctioning state or, if the weapon cannot be broken down, unloaded and in a closed container.]

*(8) Transportation of firearms unloaded and carried in an enclosed case or rack designed for that purpose.*

*(9) Antique Firearms. The term "antique firearms" means:*

*(a) Any firearm (including any firearm with a matchlock, flintlock, percussion cap, or similar type of ignition system) manufactured in or before 1898; and*

*(b) Any replica of any firearm described in subparagraph (a) if such replica —*

*(i) Is not designed or redesigned for using rimfire or conventional centerfire fixed ammunition, or*

*(ii) Uses rimfire or conventional centerfire fixed ammunition which is no longer manufactured in the United States and which is not readily available in the ordinary channels of commercial trade.*

*b. It shall be unlawful for any person to carry in any vehicle or about his person any rifle, shotgun or other firearms the barrel of which is over 14 inches in length with the intent to use the rifle, shotgun or other firearm in the commission of a crime against the person or property of another.*

**[b.] c.** Any violation of the provisions of this section shall be deemed a misdemeanor, subject upon conviction to a fine of not more than \$500 or to imprisonment for not longer than 60 days or to both fine and imprisonment, in the discretion of the Court.

SEC. 2. *And be it further ordained, That this ordinance shall take effect thirty days from the date of its passage.*

Approved January 2, 1981.

WILLIAM DONALD SCHAEFER, *Mayor.*

No. 216

(Council No. 406)

AN ORDINANCE concerning

## PARKING—RESERVED

FOR the purpose of providing for reserved parking on Vine Street between Arch and Pine Streets for physicians with permits.

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That on the north side of Vine Street, from Arch Street to Pine Street, parking is reserved for physicians attending the Walter P. Carter Center displaying permits.

SEC. 2. *And be it further ordained*, That this ordinance shall take effect on the date of its passage.

Approved January 2, 1981.

WILLIAM DONALD SCHAEFER, *Mayor*.

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No. 217

(Council No. 407)

AN ORDINANCE concerning

## PARKING—RESERVED

FOR the purpose of providing for reserved parking on the west side of Palmer Avenue near Belvedere Avenue for Walter Carter.

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That on the west side of Palmer Avenue from a point 78 feet south of Belvedere Avenue to a point 100 feet south of Belvedere Avenue, parking is reserved for Walter Carter.

SEC. 2. *And be it further ordained*, That this ordinance shall take effect on the date of its passage.

Approved January 2, 1981.

WILLIAM DONALD SCHAEFER, *Mayor*.

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No. 218

(Council No. 427)

AN ORDINANCE concerning

SUPPLEMENTARY APPROPRIATION—  
DEPARTMENT OF HOUSING AND  
COMMUNITY DEVELOPMENT

FOR the purpose of providing a supplementary special fund appropriation in the amount of Twenty-two Million Seven Hundred One Thousand Three Hundred Dollars (\$22,701,300) to the Department of Housing and Community Development to be used for carrying out capital improvements included in the Federal Community Development Block Grant Program for Baltimore City (Year VII).

BY authority of

Article VI—Board of Estimates

Section 2(h) (2)

Baltimore City Charter (1964 Revision as amended)

WHEREAS, the entitlement application by Baltimore City for a Community Development Block Grant from the U.S. Department of Housing and Urban Development for the Year VII beginning January 1, 1981 proposes funding of \$11,627,700 for operating activities and \$22,701,300 for capital improvements; and

WHEREAS, it is intended that the aforementioned \$11,627,700 for operating activities will be made available in the fiscal 1982 Ordinance of Estimates in amounts to City Agencies as follows: \$6,381,100 to the Department of Housing and Community Development; \$371,600 to the Department of Planning; and \$4,875,000 to the Urban Services Agency; and

WHEREAS, it intended that the aforementioned \$22,701,300 for capital improvements will be made available to the Department of Housing and Community Development by this supplementary appropriation ordinance; and

WHEREAS, the money appropriated herein represents a grant from a public source which could not be expected with reasonable certainty at the time of formulation of the fiscal 1981 Ordinance of Estimates; and

WHEREAS, the supplementary special fund appropriation ordained herein has been recommended to the City Council by the Board of Estimates, the said recommendation having been made at a regular meeting of said Board held on the 5th day of November, 1980, all in accordance with Article VI, Section 2(h) (2) of the Baltimore City Charter (1964 Revision as amended).

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That under the provisions of Article VI, Section 2(h) (2) of the 1964 revision of the Charter of Baltimore City, the sum of Twenty-two Million Seven Hundred One Thousand Three Hundred Dollars (\$22,701,300) shall be made available to the Department of Housing and Community Development of the City of Baltimore as a supplementary special fund appropriation for the fiscal year ending June 30, 1981 for the purpose of carrying out capital improvements included in the Federal Community Development Block Grant Program for Baltimore City (Year VII), provided that said improvements shall consist of the following named projects:

|                                       |            |
|---------------------------------------|------------|
| Barclay .....                         | \$ 484,500 |
| Coldspring .....                      | 600,000    |
| Coldstream/Homestead/Montebello ..... | 228,000    |
| Druid Heights .....                   | 235,000    |
| East Baltimore Midway .....           | 108,000    |
| Fells Point .....                     | 753,500    |
| Financial District .....              | 20,000     |
| Franklin Square .....                 | 301,500    |
| Gay Street .....                      | 86,100     |
| Govans .....                          | 125,000    |
| Greenmount West .....                 | 473,500    |
| Inner Harbor East .....               | 220,000    |



|                                          |           |
|------------------------------------------|-----------|
| Inner Harbor I .....                     | 1,020,000 |
| Inner Harbor West .....                  | 2,140,000 |
| Johnston Square .....                    | 426,400   |
| Jonestown .....                          | 311,600   |
| Midtown Belvedere .....                  | 149,100   |
| Middle East .....                        | 227,900   |
| Mondawmin Transit Station .....          | 153,500   |
| Mount Clare .....                        | 4,500     |
| Mount Winans .....                       | 60,000    |
| Municipal Center .....                   | 20,000    |
| Oldtown .....                            | 80,100    |
| Oliver .....                             | 250,000   |
| Orchard-Biddle .....                     | 526,600   |
| Park Heights .....                       | 693,900   |
| Patterson Park .....                     | 334,700   |
| Penn North .....                         | 189,400   |
| Poppleton .....                          | 1,334,800 |
| Public Housing Security .....            | 1,100,000 |
| Reservoir Hill .....                     | 80,000    |
| Retail District .....                    | 1,500,000 |
| Ridgely's Delight .....                  | 85,300    |
| Sandtown-Winchester .....                | 1,273,100 |
| Sharp-Leadenhall .....                   | 206,800   |
| Upper Fells Point .....                  | 49,000    |
| Upton .....                              | 1,440,800 |
| Washington Hill-Chapel .....             | 508,200   |
| Washington Village .....                 | 466,000   |
| Rehabilitation Aid .....                 | 3,322,500 |
| Economic Development .....               | 500,000   |
| Special Projects for Neighborhoods ..... | 612,000   |

The amount thus made available as a supplementary special fund appropriation shall be expended from a grant of funds to the Mayor and City Council of Baltimore by the Federal Government, said sum being allotted to the Mayor and City Council of Baltimore by the U.S. Department of Housing and Urban Development under Title I of the Housing and Community Development Act of 1974; and said funds from said U.S. Department of Housing and Urban Development shall be the source of revenue for this supplementary special fund appropriation, as required by Article VI, Section 2 of the Baltimore City Charter (1964 Revision as amended).

SEC. 2. *And be it further ordained*, That this ordinance shall take effect from the date of its passage.

Approved January 2, 1981.

WILLIAM DONALD SCHAEFER, *Mayor*.

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No. 219

(Council No. 438)

AN ORDINANCE concerning

ISSUANCE OF INDUSTRIAL DEVELOPMENT  
REVENUE BOND—~~COLLINS LITHOGRAPHING &  
PRINTING COMPANY, INC.~~  
COLLINS LITHOGRAPHING AND  
PRINTING CO., INC.

FOR the purpose of authorizing and empowering Mayor and City Council of Baltimore (the "City") to issue, sell and deliver its industrial development revenue bond, to be issued as a single fully registered bond and designated "Baltimore City, Maryland Industrial Development Revenue Bond (~~Collins Lithographing & Printing Company, Inc.~~ COLLINS LITHOGRAPHING AND PRINTING CO., INC. Project)", in the principal amount not to exceed \$1,000,000, pursuant to the provisions of Sections 266A to 266-I, inclusive, of Article 41 of the Annotated Code of Maryland (1978 Replacement Volume and 1980 Cumulative Supplement), as amended, in order to loan the proceeds thereof to ~~Collins Lithographing & Printing Company, Inc.~~ COLLINS LITHOGRAPHING AND PRINTING CO., INC., a Maryland corporation, for the sole and exclusive purpose of financing the acquisition of a certain industrial building in Baltimore City; authorizing the Mayor of the City to accept, on behalf of the City, the letter of intent of ~~Collins Lithographing & Printing Company, Inc.~~ COLLINS LITHOGRAPHING AND PRINTING CO., INC. to the City dated November 13, 1980; making certain legislative findings, among others, concerning the public benefit and purpose of such

bond; authorizing the private (negotiated) sale of such bonds; prescribing the method of determining the rate or the rates of interest such bond is to bear, the basic form, tenor, terms and conditions of and security for such bond and the terms and conditions under which such bond may be called for redemption prior to its stated maturity; authorizing and empowering the Board of Finance of the City, prior to the issuance, sale and delivery of such bond, to adopt a resolution pursuant to which the Board may specify, prescribe, determine, provide for and approve certain matters, details, documents and procedures in connection with the authorization, issuance, sale and payment for such bond; providing that ~~Collins Lithographing & Printing Company, Inc.~~ COLLINS LITHOGRAPHING AND PRINTING CO., INC. shall agree to submit certain plans and specifications to, and coordinate with, the Department of Housing and Community Development in connection with the acquisition of the industrial building; providing that, except under certain circumstances, if such bond is not issued and sold within six months from the date on which this Ordinance is approved by the Mayor of the City, the authorization provided in this Ordinance for the City to issue such bond shall expire; and generally providing for and determining various matters and details in connection with the authorization, issuance, security, sale and payment of such bond.

### RECITALS

Sections 266A to 266-I, inclusive, of Article 41 of the Annotated Code of Maryland (1978 Replacement Volume and 1980 Cumulative Supplement), as amended, (the "Act") empower all the counties and municipalities of the State of Maryland to issue revenue bonds and to loan the proceeds of the sale of such revenue bonds to an industrial concern to finance the acquisition (as defined in the Act) by such industrial concern of an industrial building (as defined in the Act). The Act declares it to be the legislative purpose to relieve conditions of unemployment in the State of Maryland, to encourage the increase of industry and a balanced economy in the State of Maryland, to assist in the retention



of existing industry in the State of Maryland through the control, reduction or abatement of pollution of the environment (where proceeds of the bonds are used for that purpose), to promote economic development, to protect natural resources and in this manner to promote the health, welfare and safety of the residents of each of the counties and municipalities of the State of Maryland.

Mayor and City Council of Baltimore (the "City") has received a letter of intent dated November 13, 1980 (the "Letter of Intent") from ~~Collins Lithographing & Printing Company, Inc.~~ COLLINS LITHOGRAPHING AND PRINTING CO., INC., a Maryland corporation and an industrial concern as mentioned in the Act (the "Borrower"), pursuant to which the Borrower has requested the City to participate in the financing of the acquisition by the Borrower of an industrial building (within the meaning of the Act) to be located in Baltimore City, Maryland (the "Industrial Building"), by the issuance and sale by the City of its Baltimore City, Maryland Industrial Development Revenue Bond (~~Collins Lithographing & Printing Company~~ COLLINS LITHOGRAPHING AND PRINTING CO., INC. Project), in the principal amount not to exceed \$1,000,000 (the "Bond"), and by loaning the proceeds of the Bond to the Borrower upon the terms and conditions of a loan agreement to be entered into between the City and the Borrower (the "Loan Agreement"), as permitted by the Act (such loan being herein referred to as the "Loan").

The Industrial Building will consist of (a) the acquisition and installation of certain equipment by the Borrower at the Borrower's place of business which is located at 501 West Twenty-Third Street in Baltimore City (the "Property") and (b) the construction by the Borrower on the Property of certain new improvements, which equipment and improvements shall be used by the Borrower in connection with its printing business.

The Loan Agreement will require the Borrower (a) to use the proceeds of the Bond solely to finance the acquisition of the Industrial Building, and (b) to make Loan payments which will be sufficient to enable the City to pay the principal of and interest and premium,



if any, on the Bond when and as the same shall become due and payable.

As security for the Bond, the City will enter into an Assignment and Security Agreement (the "Assignment") with the original purchaser of the Bond (the "Original Purchaser"), and a trustee (which may be the Original Purchaser) (the "Trustee"). Pursuant to the Assignment, the City will assign to the Original Purchaser, its successors and assigns, (among other things) (a) all of the City's right, title and interest in and to and remedies under the Loan Agreement, including (without limitation) any and all collateral referred to therein, excepting only the right of the City to indemnification by the Borrower and to payments to the City for expenses incurred by the City itself, (b) the receipts and revenues of the City from the Loan, (c) certain moneys which are at any time or from time to time on deposit with the Trustee, (d) all right, title and interest in and to and remedies with respect to any and all other property of every description and nature from time to time by delivery or by writing of any kind conveyed, pledged, assigned or transferred, as and for additional security for the Bond, by the City or by anyone on its behalf or with its written consent, to the Original Purchaser, its successors or assigns, and (e) all of the City's right, title and interest in and to and remedies under such other documents, including (without limitation) mortgages, deeds of trust, guaranties and security instruments as the Board of Finance of the City (the "Board") shall deem necessary to effectuate the issuance, sale and delivery of the Bond and which the Board shall approve by a resolution (the "Resolution") to be adopted by the Board prior to the issuance, sale and delivery of the Bond. If the Board finds and determines, pursuant to the Resolution, that the Industrial Building will be completed on or before the date of delivery of the Bond, the Board may provide in the Resolution that (a) the Trustee is not necessary, and (b) the City will enter into the Assignment with only the original purchaser of the Bond.

As evidenced by the Letter of Intent, the Industrial Building is to be acquired by a bona fide tenant or pur-

chaser and an industrial concern within the meaning of the Act.

The Bond will be sold by private (negotiated) sale.

NOW THEREFORE, IN ACCORDANCE WITH THE ACT:

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That acting pursuant to the Act, it is hereby found and determined as follows:

(1) The issuance and sale of the Bond by the City pursuant to the Act in order to lend the proceeds thereof to the Borrower for the sole and exclusive purpose of financing the acquisition (within the meaning of the Act) by the Borrower of the Industrial Building will facilitate and expedite the acquisition of the Industrial Building by the Borrower.

(2) The acquisition of the Industrial Building by the Borrower and the financing thereof as provided in this Ordinance will promote the declared legislative purposes of the Act by (a) sustaining jobs and employment, thus relieving conditions of unemployment in the State of Maryland and in Baltimore City; (b) encouraging the increase of industry and the creation of a balanced economy in the State of Maryland and in Baltimore City; (c) assisting in the retention of existing industry in the State of Maryland and in Baltimore City; (d) promoting economic development; and (e) promoting the health, welfare and safety of the residents of the State of Maryland and Baltimore City.

(3) In addition to authorizing the City itself to acquire the Industrial Building and either to lease or to sell the same to the Borrower, the Act, as an alternative procedure, also authorizes industrial building financing to be accomplished in the form of a loan by the City to the Borrower. The loan form of transaction avoids indirect costs and burdens on the City by not requiring any direct involvement by the City in the acquisition, ownership or administration of the Industrial Building, while permitting ample controls to be imposed on the use of the proceeds of the Bond to insure that the public purposes of the Act and

the Bond are fully accomplished. It is, therefore, in the best interests of the citizens of the City to finance the acquisition of the Industrial Building by a loan to the Borrower. This Ordinance contemplates and authorizes a transaction in the form of a loan of the proceeds of the Bond by the City to the Borrower, rather than a transaction in the form of a lease or sale of the Industrial Building. Accordingly, this Ordinance, together with the Resolution, the Assignment, and the Loan Agreement authorized hereby, and the other documents referred to herein, contain, or shall contain, such provisions as the City deems appropriate to effect the financing of the acquisition by the Borrower of the Industrial Building by the loan form of transaction.

(4) Neither the Bond nor the interest thereon shall ever constitute an indebtedness or general obligation of the City or a charge against, or pledge of the general credit or taxing powers of the City, within the meaning of any constitutional or charter provision or statutory limitation, and neither shall ever constitute or give rise to any pecuniary liability of the City. The Bond and the interest thereon shall be limited obligations of the City, repayable by the City solely from the revenue derived from Loan repayments (both principal and interest) made to the City by the Borrower on account of the Loan and from any other moneys made available to the City for such purpose. The proceeds of the Bond will be paid directly to the Trustee to be held and disbursed by the Trustee as provided in the Assignment to be approved by the Board in the Resolution; provided, however, that if the Board finds and determines, pursuant to the Resolution, that the Industrial Building will be completed on or before the date of delivery of the Bond, the Board may provide in the Resolution that the proceeds of the Bond will be paid directly to the Borrower, or for the account of the Borrower, to be used by the Borrower to pay the costs of, or to reimburse the Borrower for the payment of the costs of, the completion of the Industrial Building, as provided in the Assignment to be approved by the Board in the Resolution. Payments of the principal of and premium (if any) and interest on the Loan will be paid by the Borrower directly to the holder of the Bond as pro-



vided in the Assignment to be approved by the Board in the Resolution. No such moneys will be commingled with the City's funds or will be subject to the absolute control of the City, but will be subject only to such limited supervision and checks as are deemed necessary or desirable by the City to insure that the proceeds of the Bond are used to accomplish the public purposes of the Act and this Ordinance. The Act provides that a loan form of transaction thereunder shall in no event constitute a capital project within the meaning of any charter or statutory provision. The public purposes expressed in the Act are to be achieved by facilitating the acquisition of the Industrial Building by the Borrower.

(5) The City will acquire no interest in the Industrial Building other than (a) any general interest in the Borrower's property shared by all holders of the Borrower's obligations which rank and are secured equally with the Borrower's obligations pursuant to the Loan Agreement, (b) any lien and security interest created by the Loan Agreement, and (c) any interest created by any other mortgage or deed of trust or other security instrument executed and delivered by the Borrower or any third party as security for the Loan as the Board may provide for and approve in the Resolution. The security for the Bond shall be solely and exclusively (a) the absolute, irrevocable and unconditional obligations of the Borrower to make the payments required by the Loan Agreement, (b) moneys realized from the liquidation of any lien and security interest created by the Loan Agreement and of any other lien or security interest created with respect to any property as security for the Loan or the Bond as the Board may provide for and approve in the Resolution, and (c) moneys realized from any guaranty of the Bond or of the Loan as the Board may provide for and approve in the Resolution.

(6) None of the revenues derived by the City from the Loan Agreement shall be set aside as a depreciation account (mentioned in the Act). Such a depreciation account would (a) be inconsistent with the transaction authorized hereby, and (b) place an unreasonable burden on the Borrower so as to adversely affect the feasibility of the transaction

and thus frustrate the legislative purposes of the Act. The Borrower shall covenant and agree in the Loan Agreement to properly operate and maintain the Industrial Building during the time the Bond is outstanding. Such covenant and agreement shall include a specific undertaking by the Borrower to make all equipment replacements and repairs necessary to insure that the security for the Bond shall not be impaired.

(7) The best interests of the City will be served by selling the Bond by private (negotiated) sale, as authorized by the Act, upon terms and conditions approved by the Board in the Resolution.

(8) As evidenced by the Letter of Intent, the Industrial Building is to be acquired by a bona fide tenant or purchaser and by an industrial concern within the meaning of the Act.

SEC. 2. *And be it further ordained*, That the City is hereby authorized and empowered to issue, sell and deliver, at any time or from time to time, its Baltimore City, Maryland Industrial Development Revenue Bond (~~Collins Lithographing & Printing Company, Inc.~~ COLLINS LITHOGRAPHING AND PRINTING CO., INC. Project), in the principal amount not to exceed \$1,000,000 subject to the provisions of this Ordinance. The proceeds of the Bond will be loaned to the Borrower pursuant to the terms and provisions of the Loan Agreement, to be used by the Borrower for the sole and exclusive purpose of financing the acquisition of the Industrial Building. The Bond and the interest thereon shall be limited obligations of the City, repayable by the City solely from the revenue derived from Loan repayments (both principal and interest) made to the City by the Borrower pursuant to the Loan Agreement and from any other moneys made available to the City for such purpose. The security for the Bond shall be solely and exclusively as provided in Section 1 of this Ordinance.

SEC. 3. *And be it further ordained*, That the Mayor of the City is hereby authorized and directed to accept the Letter of Intent on behalf of the City in order to further evidence the binding commitment of the City to issue, sell and deliver the Bond in accordance with the terms and

provisions of this Ordinance. This Ordinance is intended to be, and shall constitute, a binding and enforceable commitment by the City to the Borrower to issue and deliver the Bond authorized hereby in accordance with the terms hereof; however, the City can make no assurances as to the availability of a ready, willing and able purchaser of the Bond, and the City will have no obligation to find a purchaser for the Bond. The City and the Borrower contemplate that upon the enactment of this Ordinance by the City the Borrower may proceed with the acquisition of the Industrial Building prior to the issuance, sale and delivery of the Bond authorized hereby.

SEC. 4. *And be it further ordained*, That the Bond shall bear the descriptive title "Baltimore City, Maryland Industrial Development Revenue Bond (~~Collins Lithographing & Printing Company, Inc.~~ COLLINS LITHOGRAPHING AND PRINTING CO., INC. Project)", provided, that the descriptive title may contain such other descriptive information as the Board may prescribe in the Resolution (e.g. "1980 Series" or 1981 Series"). The Bond shall bear interest from the date of delivery at a fluctuating rate of interest not exceeding 70% of the commercial prime rate of interest in effect at The Equitable Trust Company (the "Bank") from time to time (the "Tax-Exempt Rate"), provided, however, that during any period in which the interest payable on the Bond is for any reason includible in the gross income (as defined in Section 61 of the Internal Revenue Code of 1954, as amended) of any holder of the Bond, such Bond may bear interest at a fluctuating rate of interest not exceeding the commercial prime rate of interest in effect at the Bank from time to time plus one per centum (1%) per annum (the "Taxable Rate"); provided further that the exact rate or rates of interest shall be prescribed by the Board in the Resolution (within the limits herein prescribed). Interest on the Bond shall be payable monthly on dates to be prescribed by the Board in the Resolution. The principal of the Bond shall be payable in monthly installments on dates and in amounts to be prescribed by the Board in the Resolution.

SEC. 5. *And be it further ordained*, That the definitive Bond, which may be engraved, printed or typewritten, shall



be substantially in the following basic form with such appropriate variations, omissions, insertions and additional provisions as the Board may approve in the Resolution:

### FORM OF BOND

No. R-.... \$.....

UNITED STATES OF AMERICA  
STATE OF MARYLAND  
BALTIMORE CITY, MARYLAND  
INDUSTRIAL DEVELOPMENT REVENUE BOND  
(~~COLLINS LITHOGRAPHING & PRINTING~~  
~~COMPANY, INC.~~ COLLINS LITHOGRAPHING  
AND PRINTING CO., INC. PROJECT),  
19.... SERIES  
DATED: .....

FOR VALUE RECEIVED, MAYOR AND CITY COUNCIL OF BALTIMORE, a body politic and corporate and a political subdivision of the State of Maryland (the "Issuer"), hereby promises to pay (but only out of the "Receipts and Revenues of the Issuer from the Loan", as hereinafter defined) to the order of ..... (the "Bank"), or its successor, assignee or legal representative, the principal sum of ..... DOLLARS, payable at the times and in the manner hereinafter set forth, and to pay interest on the unpaid principal amount hereof from ....., 19...., until paid in full (or, if this bond, or any portion hereof, shall have been duly called for early redemption and payment of the redemption price shall have been made, until the date fixed for such early redemption) at the fluctuating rate per annum which is at all times equal to ..... (the "Tax-Exempt Rate"), payable at the times and in the manner hereinafter set forth; provided, however, that notwithstanding any of the foregoing provisions, during any period in which the interest payable hereon is for any reason includible in the gross income (as defined in Section 61 of the Internal Revenue Code of 1954, as amended) (the "Code") of the holder hereof, the rate of interest payable on the unpaid principal amount hereof shall be at the

fluctuating rate per annum which is at all times equal to ..... (the "Taxable Rate").

All interest on this bond shall be calculated on the basis of a 360-day year factor applied to actual days elapsed and shall be adjusted on any date on which a change occurs in the commercial prime rate of interest in effect at the Bank.

The principal hereof and interest hereon, at the applicable rate in effect from time to time as set forth above, shall be paid in any coin or currency of the United States of America which, at the respective times of payment, is legal tender for the payment of public and private debts, as follows:

(a) interest on the outstanding principal balance, but only to the extent that sums are actually disbursed from the Project Fund (hereinafter defined) by the Trustee (hereinafter defined) pursuant to the Assignment (hereinafter defined) and the Loan Agreement (hereinafter defined) shall be payable on the ..... day of each month of each year, commencing on the ..... day of ..... and thereafter until paid in full (or until the date fixed for early redemption as referred to above);

(b) the principal sum shall be payable in equal consecutive monthly installments in the amount of \$ ..... each, beginning on the ..... day of ....., .... and on the ..... day of each and every month thereafter, continuing to and including the ..... day of ....., ....; and

(c) the entire unpaid principal amount hereof and all accrued and unpaid interest hereon shall be due and payable on ....., ....., if not paid earlier.

During any period in which the rate of interest payable hereon is increased to the Taxable Rate, the Issuer agrees to make all payments hereon in an amount increased (retroactively and prospectively) to include interest at the Taxable Rate, and the monthly installments of principal and interest as stated above shall be adjusted accordingly during any such period.

All payments of the principal hereof (including any redemption) and interest hereon shall be made by check

mailed by ~~Collins Lithographing & Printing Company, Inc.~~ COLLINS LITHOGRAPHING AND PRINTING CO., INC., a Maryland corporation (the "Borrower"), to the holder hereof at the address indicated on the registration books of the Bond Registrar (hereinafter defined), without the necessity of surrendering or presenting this bond, and all such payments shall fully discharge the obligation of the Issuer herein to the extent of the payments so made.

In the event any payment hereon is not paid within 15 days from the date on which the same is due and payable, the payment so in default shall continue as an obligation of the Issuer (limited as herein provided) with interest thereon at the Taxable Rate until paid in full. In addition, the Issuer shall pay (solely from the sources herein provided) a late charge in an amount equal to 5% of the amount of any payment of interest or principal as set forth above which is made more than 15 days after the date on which the same is due and payable.

All payments hereon, including prepayments, shall be applied first to accrued and unpaid interest and the balance to principal.

This bond is issued under and pursuant to the Constitution and laws of the State of Maryland, particularly Sections 266A to 266-I, inclusive, of Article 41 of the Annotated Code of Maryland (1978 Replacement Volume and 1980 Cumulative Supplement), as amended (the "Act"), and under and pursuant to Ordinance No. . . . ., approved by the Mayor of the Issuer on . . . . . (the "Ordinance"), and by a resolution adopted by the Board of Finance of the Issuer on . . . . . (the "Resolution"), for the purpose of financing the acquisition of a certain industrial building (the "Industrial Building") by the Borrower, to be located within the geographical boundaries of the Issuer.

The proceeds of this bond are being loaned to the Borrower by the Issuer under a Loan Agreement dated as of even date herewith, between the Borrower and the Issuer (the "Loan Agreement").

This bond is issued under an Assignment and Security Agreement dated as of even date herewith (the "Assign-



ment") by and among the Issuer, the Bank and The Equitable Trust Company, as Trustee (the "Trustee"), and, to the extent provided therein, is secured and entitled to the protection given by the Assignment. Pursuant to the Assignment, the Issuer has assigned to the Bank, its successors and assigns, (among other things) the "Receipts and Revenues of the Issuer from the Loan", which term is used herein as defined in the Assignment.

Pursuant to the Assignment and the Loan Agreement, the proceeds of this bond have been paid over to the Trustee and deposited by the Trustee into the Project Fund created under the Assignment (the "Project Fund"). Since the Assignment and the Loan Agreement provide that moneys on deposit in the Project Fund will not be invested by the Trustee, interest on this bond will be payable only to the extent that moneys in the Project Fund are actually disbursed from the Project Fund by the Trustee, pursuant to the Assignment and the Loan Agreement.

Pursuant to the Loan Agreement, payments sufficient for the prompt payment when due of the principal of and premium, if any, and interest on this bond are to be paid by the Borrower directly to the holder hereof, and have been assigned for that purpose.

As more fully provided in the Assignment, this bond does not constitute an indebtedness or obligation to which the faith and credit of the Issuer is pledged, but is a limited obligation of the Issuer, which is obligated to pay the principal of, the interest on, and the redemption premium (if any) on, this bond only out of the receipts and revenues of the Issuer from the loan. This bond may also be paid out of any other moneys made available to the Issuer for the payment thereof. By the terms of the Act, the principal of, the interest on, or the redemption premium (if any) on, this bond, do not, and shall not ever, constitute an indebtedness or charge against the general credit or taxing powers of the Issuer within the meaning of any constitutional or charter provision or statutory limitation and shall not constitute or give rise to any pecuniary liability of the Issuer.

Reference is hereby made to the Assignment for a full and complete statement of the provisions with respect to

the custody and application of the proceeds of this bond, the collection and disposition of the Receipts and Revenues of the Issuer from the Loan assigned as security for the payment of this bond and the interest thereon, the nature and extent of the security and the rights of the registered owner of this bond, the terms and conditions on which, and the purposes for which, this bond is issued and the rights, duties and obligations of the Issuer thereunder, to all of which the holder hereof, by acceptance of this bond, assents.

In the manner and with the effect provided in the Assignment, this bond may be redeemed, at the option of the Issuer (but only upon direction by the Borrower and from moneys made available by the Borrower for such purpose), prior to maturity, on or after . . . . ., either as a whole at any time or in part from time to time on any interest payment date, at a redemption price equal to the principal amount thereof to be redeemed, together with unpaid interest accrued to the date fixed for redemption, without payment of premium or penalty. Any partial redemption shall be applied to the principal to be redeemed in the inverse order of the installment payment dates.

Any such optional redemption, either in whole or in part, shall be made upon at least . . . . days prior notice in the manner and upon the terms and conditions provided in the Assignment. If this bond or any portion hereof shall have been duly called for redemption and payment of the redemption price, together with unpaid interest accrued to the date fixed for redemption, shall have been made, all as more fully set forth in the Assignment, interest on this bond or such portion hereof shall cease to accrue from the date fixed for redemption, and from and after such date this bond or the portion hereof duly called for redemption shall no longer be entitled to any benefit or security under the Assignment, and, except as provided in the Loan Agreement, the holder hereof shall have no rights in respect of this bond or such portion hereof so called for redemption except to receive payment of such redemption price and unpaid interest accrued to the date fixed for redemption.

The amount of any partial redemption, and the date on which the same is made, shall be noted by the holder on Schedule A attached hereto and made a part hereof.

At the option of the holder hereof, upon at least 90 days' prior written notice given by the holder hereof to the Borrower and to the Issuer, the Tax-Exempt Rate may be changed on either ..... or ..... provided however, that the new Tax-Exempt Rate shall not be less than 65% of the commercial prime rate of interest in effect at the Bank from time to time nor be greater than the commercial prime rate of interest in effect at the Bank from time to time and that any such change in the Tax-Exempt Rate must be approved by the Borrower and the Issuer and shall be subject to the adoption of an appropriate resolution by the Board of Finance of the Issuer authorizing such change as may be required at the time. In the event that either the Borrower or the Issuer do not approve the holder's election to change the Tax-Exempt Rate, this Bond shall be subject to mandatory redemption, in the sole and absolute discretion of the holder hereof, in whole but not in part, upon at least 30 days' prior written notice given by the holder to the Issuer and to the Borrower, on either ..... or ....., all as set forth in the Assignment.

In certain events, on the conditions, in the manner and with the effect set forth in the Assignment, the stated maturity of this bond may be accelerated by the holder hereof, in which event the principal of this bond, together with the interest accrued thereon, shall become immediately due and payable.

This bond shall be registered on the books of the Issuer to be kept for that purpose at the office of the Director of Finance or any other person maintaining books for the registration and transfer of this bond pursuant to the provisions of the Assignment (the "Bond Registrar"). This bond shall be transferable only upon such books at such office by the holder hereof or by its duly authorized officer or attorney. This bond may be transferred upon surrender hereof at the principal office of the Bond Registrar with a written instrument of transfer satisfactory to the Bond Registrar, duly executed by the holder hereof or



his duly authorized attorney. Such transfers shall be without charge to the holder hereof, but any taxes or other governmental charges required to be paid with respect to the same shall be paid by the holder requesting such transfer as a condition precedent to the exercise of such privilege.

The Issuer and the Borrower may deem and treat the person in whose name this bond is registered as the absolute holder hereof for all purposes; and neither the Issuer nor the Borrower shall be affected by any notice to the contrary.

All acts, conditions and things required by the Constitution and statutes of the State of Maryland, the Ordinance, the Resolution and the Assignment to exist, to have happened and to have been performed precedent to and in the issuance of this bond, do exist, have happened and have been performed.

In any case where any date of payment of interest on, or principal of, this bond, or the date fixed for any redemption of this bond shall be, in the city of payment, a Sunday or legal holiday, or a day on which banking institutions are authorized by law to close, then payment of interest or principal (and premium, if any) need not be made on such date in such city but may be made on the next succeeding business day not a Sunday or a legal holiday or day upon which banking institutions are authorized by law to close with the same force and effect as if made on the date of payment or the date fixed for redemption.

No covenant or agreement contained in this bond or the Assignment shall be deemed to be a covenant or agreement of any officer, agent or employee of the Issuer in his individual capacity, and neither the members of the City Council of Baltimore, Maryland, nor any official executing this bond shall be liable personally on this bond or be subject to any personal liability or accountability by reason of the issuance of this bond.

IN WITNESS WHEREOF, the Issuer has caused this bond to be executed in its name and on its behalf by the Mayor of the Issuer by his manual or facsimile signature,

and by the Director of Finance of the Issuer, by his manual or facsimile signature, and has caused its corporate seal or a facsimile thereof to be impressed or otherwise reproduced hereon, and attested by the Custodian of the City Seal of the Issuer, by his manual signature, all as of the ..... day of ..... 19 .....

MAYOR AND CITY COUNCIL  
OF BALTIMORE

[SEAL]

By: .....  
Mayor

ATTEST:

..... By: .....  
Custodian of the City Seal Director of Finance

#### SCHEDULE A

No. B. .... \$.....

BALTIMORE CITY, MARYLAND  
Industrial Development Revenue Bond  
(Collins Lithographing & Printing Company, Inc.)  
COLLINS LITHOGRAPHING AND  
PRINTING CO., INC.)  
19... Series

| <i>Date</i> | <i>Amount of Redemption</i> |
|-------------|-----------------------------|
|             | \$                          |

SEC. 6. And be it further ordained, That the Bond shall be executed in the name of the City and on its behalf by the Mayor of the City, by his manual or facsimile signature, and by the Director of Finance of the City, by his manual or facsimile signature, and the corporate seal of the City or a facsimile thereof shall be impressed or otherwise reproduced thereon and attested by the Custodian of the City Seal, by his manual signature. The Loan Agreement, the Assignment and, where applicable, all other documents as the Board shall deem necessary to effectuate the issuance, sale and delivery of the Bond, shall be executed in the name of the City and on its behalf by the Mayor of the City by his manual or facsimile signature, and the corporate seal of the City or a facsimile thereof shall be impressed or otherwise reproduced thereon and attested by the Custodian of the City Seal by his

manual signature. In case any officer whose signature or a facsimile of whose signature shall appear on the Bond or any of the aforesaid documents shall cease to be such officer before the delivery of the Bond or any of the other aforesaid documents, such signature or such facsimile shall nevertheless be valid and sufficient for all purposes, the same as if such officer had remained in office until delivery. The Mayor of the City, the Director of Finance of the City, the Custodian of the City Seal and other officials of the City are hereby authorized and empowered to do all such acts and things and execute such documents and certificates as the Board may determine in the Resolution to be necessary to carry out and comply with the provisions hereof.

SEC. 7. *And be it further ordained*, That the Bond shall be executed, issued and delivered at any time or from time to time and in such amount not exceeding the principal amount of \$1,000,000, as the Board shall prescribe in the Resolution.

SEC. 8. *And be it further ordained*, That the Bond may be dated, may be of such tenor (not inconsistent with the applicable form of the Bond set forth in Section 5 of this Ordinance), and may be payable in such amounts at such times not exceeding 30 years from the date thereof and at such place or places as the Board shall prescribe in the Resolution.

SEC. 9. *And be it further ordained*, That the Bond will be subject to redemption prior to maturity upon substantially the terms and conditions contained in the form of the Bond set forth in Section 5 of this Ordinance and upon such other terms and conditions as the Board shall prescribe in the Resolution.

SEC. 10. *And be it further ordained*, That prior to the issuance, sale and delivery of the Bond, the Board shall adopt the Resolution pursuant to which the Board may:

(a) prescribe the final form, tenor, terms and conditions of and security for the Bond;



(b) prescribe the actual amount, date, rate or rates of interest (within the limits herein prescribed), actual maturity (within the limits herein prescribed), and the place or places of payment of the Bond, and the final terms and conditions and details under which the Bond may be called for redemption prior to its stated maturity;

(c) approve the form and contents, and authorize the execution and delivery (where applicable) of (i) the Loan Agreement, (ii) the Assignment and (iii) such other documents, including (without limitation) mortgages, deeds of trust, guaranties and security instruments as the Board shall deem necessary to effectuate the issuance, sale and delivery of the Bond;

(d) determine the time or times of execution, issuance, sale and delivery of the Bond and prescribe any and all other details of the Bond;

(e) provide for the direct payment by the Borrower of all costs, fees and expenses incurred by or on behalf of the City in connection with the issuance, sale and delivery of the Bond, including (without limitation) costs of printing (if any) and issuing the Bond, legal expenses (including the fees of Bond Counsel) and compensation to any person (other than full time employees of the City) performing services by or on behalf of the City in connection therewith; and

(f) do any and all things, and authorize the officials of the City to do any and all things, necessary, proper or expedient in connection with the issuance, sale and delivery of the Bond.

SEC. 11. *And be it further ordained*, That the Loan Agreement shall contain such terms, provisions and conditions as the Board shall prescribe in the Resolution.

SEC. 12. *And be it further ordained*, That the Assignment shall contain such terms, provisions and conditions as the Board shall prescribe in the Resolution for the protection and enforcement of the rights and remedies of the holder of the Bond.

SEC. 13. *And be it further ordained*, That, as authorized by the Act, the Bond shall be sold by private (negotiated)

sale upon such terms and conditions as shall be approved by the Board in the Resolution.

SEC. 14. *And be it further ordained*, That neither the Bond nor the interest thereon shall ever constitute an indebtedness or general obligation of the City or a charge against the general credit or taxing powers of the City within the meaning of any constitutional or charter provision or statutory limitation, and neither shall ever constitute or give rise to any pecuniary liability on the part of the City. The Bond, and the interest thereon, shall be limited obligations of the City, the principal of and interest on which Bond shall be payable by the City solely from the revenue derived from Loan repayments (both principal and interest) made to the City by the Borrower on account of the Loan and, to the extent provided by the Board in the Resolution, from the proceeds of the Bond, and from any other moneys made available to the City for such purpose. The proceeds of the Bond will be deposited with the Trustee to be held and disbursed by the Trustee as provided in the Assignment to be approved by the Board in the Resolution; provided, however, that if the Board finds and determines, pursuant to the Resolution, that the Industrial Building will be completed on or before the date of delivery of the Bond, the Board may provide in the Resolution that the proceeds of the Bond will be paid directly to the Borrower, or for the account of the Borrower, to be used by the Borrower to pay the costs of, or to reimburse the Borrower for the payment of the costs of, the completion of the Industrial Building, as provided in the Assignment to be approved by the Board in the Resolution. Payments of the principal of and premium (if any) and interest on the Loan will be paid by the Borrower directly to the holder of the Bond as provided in the Assignment to be approved by the Board in the Resolution. No such moneys will be commingled with the City's funds or will be subject to the absolute control of the City, but will be subject only to such limited supervision and checks as are deemed necessary or desirable by the City to insure that the proceeds of the Bond are used to accomplish the public purposes of the Act and this Ordinance.

SEC. 15. *And be it further ordained*, That in consideration of the purchase and acceptance of the Bond by those who shall hold the Bond from time to time, the City does hereby, and by the execution and delivery of the Assignment to be approved by the Board, shall pledge the income and revenue under the Loan Agreement (other than payments to the City for indemnification or to reimburse the City for expenses incurred by the City itself) to the Original Purchaser, its successors and assigns, to be used and applied for the payment of the principal of and premium (if any) and interest on the Bond. Pursuant to the terms of the Loan Agreement, to be approved by the Board in the Resolution, payments sufficient for the prompt payment when due of the principal of, premium, if any, and interest on the Bond are to be paid by the Borrower directly to the holder of the Bond, as provided in the Assignment to be approved by the Board in the Resolution, for the account of the City, and such payments shall be assigned by the City to the Original Purchaser, its successors and assigns, as provided in the Assignment.

SEC. 16. *And be it further ordained*, That the Borrower shall agree that:

(a) It will submit any plans and specifications for the acquisition of the Industrial Building to the Department of Housing and Community Development for approval, with the understanding that, in addition to the economic feasibility of the acquisition of the Industrial Building, the Department of Housing and Community Development may consider, without limitation, the suitability of the site plan, architectural treatment, building plans, elevations, materials, color construction details, access, parking, loading, landscaping, identification signs, exterior lighting, refuse collection details, streets, sidewalks, and harmony between the plans and the surroundings of the proposed Industrial Building and that the Department of Housing and Community Development may refuse approval of any such plans and specifications for aesthetic or functional reasons; and

(b) It and its developers will work with the design advisory group appointed by the Department of Housing



and Community Development in order to achieve high quality site, building, and landscape design.

SEC. 17. *And be it further ordained*, That after the issuance, sale and delivery of the Bond, the Board may, upon the request of the registered owner of the Bond, adopt a resolution approving a new Tax-Exempt Rate and authorizing the officials of the City to do any and all things necessary, proper and expedient to effectuate such change in the Tax-Exempt Rate including, without limitation, the execution of any necessary documents; provided, however, that the new Tax-Exempt Rate shall be approved by the Borrower and shall be a fluctuating rate of interest which shall be not less than 65% of the commercial prime rate of interest in effect at the Bank from time to time nor be greater than the commercial prime rate of interest in effect at the Bank from time to time.

SEC. 18. *And be it further ordained*, That the provisions of this Ordinance are severable, and if any provision, sentence, clause, section or part hereof is held illegal, invalid or unconstitutional or inapplicable to any person or circumstances, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this Ordinance or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this Ordinance would have been passed if such illegal, invalid or unconstitutional provision, sentence, clause, section or part had not been included herein, and if the person or circumstances to which this Ordinance or any part hereof are inapplicable had been specifically exempted herefrom.

SEC. 19. *And be it further ordained*, That if the Bond is not issued and sold within six months from the date on which this Ordinance is approved by the Mayor of the City, the authorization provided in this Ordinance for the City to issue and sell the Bond shall expire; provided however, that the Board of Finance of the City, may after a showing of good cause at a public hearing held before the Board of Finance, extend such authorization for one additional term not to exceed six months. The Board of

Finance, in its sole discretion shall determine the sufficiency, or lack thereof, of the reasons presented for any requested extension of this Ordinance. If an extension is granted, notice of such extension and the reasons therefor must be sent to the City Council.

SEC. 20. *And be it further ordained*, That this Ordinance shall take effect from the date of its passage.

Approved January 2, 1981.

WILLIAM DONALD SCHAEFER, *Mayor*.

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No. 220

(Council No. 450)

AN ORDINANCE concerning

INDUSTRIAL DEVELOPMENT REVENUE  
BONDS—THE RUKERT TERMINALS  
CORPORATION (THE RUKERT TERMINALS  
II PROJECT)

FOR the purpose of authorizing and empowering Mayor and City Council of Baltimore to issue and sell, at any time or from time to time and in one or more series, as limited obligations of the City and not upon its full faith and credit, its industrial development revenue bonds, to be designated "Baltimore City, Maryland Industrial Development Revenue Bonds (The Rukert Terminals II Project)", in the aggregate principal amount not to exceed \$1,500,000, pursuant to the provisions of Sub-section (50) of Article II of the Charter of Baltimore City (1964 Revision), as amended, for the sole and exclusive purpose of financing the costs, charges, fees and expenses in connection with the acquisition and installation of certain equipment which will be owned and operated by The Rukert Terminals Corporation, a Maryland corporation, and used by The Rukert Terminals Corporation in its business of operating terminals in Baltimore City, Maryland; authorizing the Mayor of the

City to accept, on behalf of the City, a letter of intent of The Rukert Terminals Corporation addressed to the City dated October 29, 1980; making certain legislative findings; authorizing and empowering the Board of Finance of the City, prior to the issuance, sale and delivery of such bonds, to adopt a resolution pursuant to which the Board of Finance shall (a) prescribe, among other things but not limited to, the form, terms, provisions, manner or method of issuing and selling, and the time or times of issuance, and any and all other details of such bonds, and (b) do any and all things necessary, proper or expedient in connection with the issuance and sale of such bonds; authorizing the private (negotiated) sale of such bonds; providing that The Rukert Terminals Corporation shall agree to submit any plans and specifications to, and to coordinate with, the Department of Housing and Community Development in connection with the acquisition and installation of such equipment; providing for the expiration of the authorization of the transaction approved by this Ordinance, if such bonds are not issued and sold within six months from the date this Ordinance is approved by the Mayor, unless the authorization is extended by the Board of Finance as provided in this Ordinance; and generally providing for and determining various matters and details in connection with the authorization, issuance, security, sale and payment of such bonds.

### RECITALS

Sub-section (50) of Article II of the Charter of Baltimore City (1964 Revision), as amended (the "Enabling Law"), empowers Mayor and City Council of Baltimore (the "City") to issue revenue bonds and to use the proceeds of the sale of such revenue bonds to finance undertakings for the accomplishment of any of the purposes, objects and powers of the City. Some of the general objectives of the City, contemplated by the Enabling Law, include the relief of conditions of unemployment in Baltimore City, encouraging the increase of industry and a balanced economy in Baltimore City, promoting economic developments in Baltimore City, and promoting the health, welfare and safety of the residents of Baltimore City.



The City has received a letter of intent dated October 29, 1980 (the "Letter of Intent") from The Rukert Terminals Corporation, a Maryland corporation (the "Borrower"), pursuant to which the Borrower has requested the City to participate in the financing of the costs, charges, fees and expenses in connection with the acquisition and installation by the Borrower of certain equipment to be located in Baltimore City, Maryland (the "Project"), by issuing and selling industrial development revenue bonds of the City in the aggregate principal amount not to exceed \$1,500,000 and by loaning the proceeds of such revenue bonds to the Borrower, upon the terms and conditions of a loan agreement to be entered into between the City and the Borrower (the "Loan Agreement"), as permitted by the Enabling Law (such loan being herein referred to as the "Loan").

The Project and the acquisition thereof, will consist generally of a Peco Hinged Boom Type Grab Bucket Unloading Crane to be purchased and installed on Pier 5 located at 2100 E. Clinton Street in Baltimore City, Maryland. The Project will be used by the Borrower for the purpose of loading and unloading various commodities (salt, potash, ferro ores, etc.) onto and from bulk ships arriving at Pier 5 Clinton Street.

The Loan Agreement will require the Borrower (a) to use the proceeds of the revenue bonds solely to finance the completion of the acquisition of the Project, and (b) to make Loan payments which will be sufficient to enable the City to pay the principal of and interest and premium, if any, on the revenue bonds when and as the same shall become due and payable.

As security for the revenue bonds, the City will enter into either (a) a trust agreement (the "Trust Agreement") with a corporate trustee (the "Trustee") to be appointed by the Board of Finance of the City (the "Board") or (b) an Assignment and Security Agreement (the "Assignment") with (i) the original purchaser of the revenue bonds (the "Original Purchaser"), if on the date of delivery of such revenue bonds the acquisition of the Project has been completed, or (ii) the Original Purchaser and a trustee (which may be the

Original Purchaser) (the "Project Fund Trustee"), if on the date of delivery of such revenue bonds the acquisition of the Project has not been completed. Pursuant to the Trust Agreement or the Assignment, the City will assign to the Trustee or, if the Assignment is entered into, the Original Purchaser, its successors and assigns, (among other things) (a) all of the City's right, title and interest in and to and remedies under the Loan Agreement, including (without limitation) any and all security referred to therein, excepting only the right of the City to indemnification by the Borrower and to payments to the City for expenses incurred by the City itself, (b) the receipts and revenues of the City from the Loan, (c) certain moneys which are at any time or from time to time on deposit with the Trustee or the Project Fund Trustee, (d) all right, title and interest in and to and remedies with respect to any and all other property of every description and nature from time to time by delivery or by writing of any kind conveyed, pledged, assigned or transferred, as and for additional security for the revenue bonds, by the City or by anyone on its behalf or with its written consent, to the Trustee, or, if the Assignment is entered into, the Original Purchaser, its successors or assigns, and (e) all of the City's right, title and interest in and to and remedies under such other documents, including (without limitation) mortgages, deeds of trust, guaranties and security instruments, as the Board shall deem necessary to effectuate the issuance, sale and delivery of the revenue bonds and which the Board shall approve by a resolution or resolutions (the "Resolution") to be adopted by the Board prior to the issuance, sale and delivery of any of the revenue bonds.

The revenue bonds will be sold at a private (negotiated) sale.

NOW THEREFORE, IN ACCORDANCE WITH THE ENABLING LAW:

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That acting pursuant to the Enabling Law, it is hereby found and determined as follows:

(1) The issuance and sale of the revenue bonds by the City pursuant to the Enabling Law in order to lend the proceeds thereof to the Borrower for the sole and exclusive purpose of financing the costs of the Project will facilitate and expedite the completion of the acquisition of the Project by the Borrower.

(2) The completion of the acquisition of the Project by the Borrower and the financing thereof as provided in this Ordinance will serve to promote the general purposes contemplated by the Enabling Law by (a) sustaining jobs and employment in Baltimore City; (b) promoting economic development in Baltimore City; and (c) encouraging the increase of industry and a balanced economy in Baltimore City.

(3) The revenue bonds and the interest thereon shall not be general obligations of the City, and shall not be a pledge of or involve the faith and credit or the taxing power of the City, and shall not constitute a debt of the City, all within the meaning of Section 7 of Article XI of the Constitution of Maryland or within the meaning of any other constitutional, statutory or charter provision limiting or restricting the sale or issuance of bonds, notes or other obligations of the City. The revenue bonds and the interest thereon shall not constitute or give rise to any pecuniary liability of the City. The revenue bonds and the interest thereon shall be limited obligations of the City, repayable by the City solely from the revenue derived from Loan repayments (both principal and interest) made to the City by the Borrower on account of the Loan and from any other moneys made available to the City for such purpose. If a Trust Agreement is entered into, the proceeds of the revenue bonds will be paid directly to the Trustee to be held and disbursed by the Trustee as provided in the Trust Agreement to be approved by the Board in the Resolution. If an Assignment is entered into, and the Project has not been completed on or before the date of delivery of such revenue bonds, the Board will provide in the Resolution that the proceeds will be paid directly to the Project Fund Trustee and deposited by the Project Fund Trustee into the Project Fund created under the Assignment. If an Assignment is entered into, and the Board finds and determines that the Project has been or



will be completed on or before the date of delivery of the revenue bonds, the Board may provide in the Resolution that no Project Fund will be created under the Assignment and that the proceeds of the revenue bonds will be paid directly to the Borrower, or for the account of the Borrower, to be used by the Borrower to pay the costs of, or to reimburse the Borrower for the payment of the costs of, the completion of the Project. Payments of the principal of and premium (if any) and interest on the Loan will be paid by the Borrower directly to the Trustee as provided in the Trust Agreement or to the Original Purchaser, its successors and assigns, as provided in the Assignment, to be approved by the Board in the Resolution. No such moneys will be commingled with the City's funds or will be subject to the absolute control of the City, but will be subject only to such limited supervision and checks as are deemed necessary or desirable by the City to insure that the proceeds of the revenue bonds are used to accomplish the public purposes of the Enabling Law and this Ordinance. The loan form of transaction authorized hereunder shall in no event constitute a capital project within the meaning of any charter or statutory provision. The public purposes expressed in the Enabling Law are to be achieved by facilitating the completion of the Project by the Borrower.

(4) The City will acquire no interest in the Project other than (a) any general interest in the Borrower's property shared by all holders of the Borrower's obligations which rank and are secured equally with the Borrower's obligations pursuant to the Loan Agreement, (b) any lien and security interest created by the Loan Agreement, and (c) any interest created by any other mortgage or deed of trust or other security instrument executed and delivered by the Borrower or any third party as security for the Loan or the revenue bonds as the Board may provide for and approve in the Resolution. The security for the revenue bonds shall be solely and exclusively (a) the absolute, irrevocable and unconditional obligations of the Borrower to make the payments required by the Loan Agreement (b) moneys realized from the liquidation of any lien and security interest created by the Loan Agreement and of any other lien or security interest created

with respect to any property as security for the Loan or the revenue bonds as the Board may provide for and approve in the Resolution, and (c) moneys realized from any guaranty of the revenue bonds or of the Loan as the Board may provide for and approve in the Resolution.

(5) The best interests of the City will be served by selling the revenue bonds at private (negotiated) sale, as authorized by the Enabling Law, upon terms and conditions approved by the Board in the Resolution.

SEC. 2. *And be it further ordained*, That the City is hereby authorized and empowered to issue and sell, at any time or from time to time and in one or more series, and as limited obligations of the City and not upon its full faith and credit, its Baltimore City, Maryland Industrial Development Revenue Bonds (The Rukert Terminals II Project), in the aggregate principal amount not to exceed \$1,500,000 (the "Bonds"), subject to the provisions of this Ordinance. The proceeds of the Bonds will be loaned to the Borrower pursuant to the terms and provisions of the Loan Agreement, to be used by the Borrower for the sole and exclusive purpose of financing the costs, charges, fees, and expenses in connection with the completion of the Project. The Bonds and the interest thereon shall be limited obligations of the City, repayable by the City solely from the revenue derived from Loan repayments (both principal and interest) made to the City by the Borrower pursuant to the Loan Agreement and from any other moneys made available to the City for such purpose. The security for the Bonds shall be solely and exclusively as provided in Section 1 of this Ordinance.

SEC. 3. *And be it further ordained*. That this Ordinance constitutes the present intent of the City to issue the Bonds, and the Mayor of the City is hereby authorized to accept the Letter of Intent on behalf of the City in order to further evidence the present intent of the City to issue the Bonds in accordance with the terms and provisions of this Ordinance.

SEC. 4. *And be it further ordained*, That each of the Bonds shall bear the descriptive title "Baltimore City,

Maryland Industrial Development Revenue Bond (The Rukert Terminals II Project)", provided, that the descriptive title may contain such other descriptive information as the Board may prescribe in the Resolution (e.g. "1980 Series" or "1981 Series"). The Bonds shall bear interest at the rate or rates of interest to be determined by negotiation with the original purchaser or purchasers of the Bonds and to be approved and prescribed by the Board in the Resolution.

SEC. 5. *And be it further ordained*, That the definitive Bonds, which may be engraved, printed or typewritten, including any Trustee's Certificate of Authentication to be endorsed thereon if the Trust Agreement is entered into, shall be in such form, not inconsistent with the Enabling Law and the provisions of this Ordinance, as the Board may approve in the Resolution.

SEC. 6. *And be it further ordained*, That the Bonds shall be executed in the name of the City and on its behalf by the Mayor of the City, by his manual or facsimile signature, and by the Director of Finance of the City, by his manual or facsimile signature, and the corporate seal of the City or a facsimile thereof shall be impressed or otherwise reproduced thereon and attested by the Custodian of the City Seal, by his manual signature. The Loan Agreement, the Trust Agreement or the Assignment and, where applicable, all other documents as the Board shall deem necessary to effectuate the issuance, sale and delivery of the Bonds, shall be executed in the name of the City and on its behalf by the Mayor of the City by his manual or facsimile signature, and the corporate seal of the City or a facsimile thereof shall be impressed or otherwise reproduced thereon and attested by the Custodian of the City Seal by his manual signature. In case any officer whose signature or a facsimile of whose signature shall appear on the Bonds or any of the aforesaid documents shall cease to be such officer before the delivery of the Bonds or any of the other aforesaid documents, such signature or such facsimile shall nevertheless be valid and sufficient for all purposes, the same as if such officer had remained in office until delivery. The Mayor of the City, the Director of Finance of the City, the Custodian of the



City Seal and other officials of the City are hereby authorized and empowered to do all such acts and things and execute such documents and certificates as the Board may determine in the Resolution to be necessary to carry out and comply with the provisions hereof.

SEC. 7. *And be it further ordained*, That the Bonds shall be executed, issued and delivered at any time or from time to time and in one or more series and in such amount or amounts not exceeding, in the aggregate, the principal amount of \$1,500,000, as the Board shall prescribe in the Resolution.

SEC. 8. *And be it further ordained*, That the Bonds shall be dated, shall be in such denominations, shall be of such form and tenor, and shall be payable in such amounts, at such times and at such place or places as the Board shall prescribe in the Resolution.

SEC. 9. *And be it further ordained*, That the Bonds may be subject to redemption prior to their stated maturities upon such terms and conditions as the Board shall prescribe in the Resolution.

SEC. 10. *And be it further ordained*, That prior to the issuance, sale and delivery of the Bonds, the Board shall adopt the Resolution pursuant to which the Board shall:

(a) prescribe the form, tenor, terms and conditions of and security for the Bonds;

(b) prescribe the actual amounts, rate or rates of interest (or the method of determining the same), denominations, date, actual maturity or maturities, and the place or places of payment of the Bonds, and the terms and conditions and details under which the Bonds may be called for redemption prior to their stated maturities;

(c) if a Trust Agreement is entered into, appoint a bank having trust powers, or a trust company, as Trustee for the Bonds and, if necessary, appoint a paying agent or agents for the Bonds, which may be the Trustee;

(d) approve the form and contents, and authorize the execution and delivery (where applicable) of (i) the Loan Agreement, (ii) the Trust Agreement or the Assignment,

and (iii) such other documents, including (without limitation) mortgages, deeds of trust, guaranties and security instruments as the Board shall deem necessary to approve in order to effectuate the issuance, sale and delivery of the Bonds;

(e) determine the time of execution, issuance, sale and delivery of the Bonds and prescribe any and all other details of the Bonds;

(f) provide for the direct payment by the Borrower of all costs, fees and expenses incurred by or on behalf of the City in connection with the issuance, sale and delivery of the Bonds, including (without limitation) costs of printing (if any) and issuing the Bonds, legal expenses and compensation to any person (other than full time employees of the City) performing services by or on behalf of the City in connection therewith;

(g) if the Trust Agreement is entered into, provide for the issuance and sale (subject to the passage of an appropriate ordinance authorizing the same as may be required at the time) of one or more series of additional bonds and one or more series of refunding bonds; and

(h) do any and all things, and authorize the officials of the City to do any and all things, necessary, proper or expedient in connection with the issuance, sale and delivery of the Bonds.

SEC. 11. *And be it further ordained*, That the Loan Agreement and the Trust Agreement or the Assignment shall contain such terms, provisions and conditions, not inconsistent with the Enabling Law and the provisions of this Ordinance, as the Board shall approve in the Resolution.

SEC. 12. *And be it further ordained*, That, as authorized by the Enabling Law, the Bonds shall be sold at private (negotiated) sale upon such terms and conditions as shall be approved by the Board in the Resolution.

SEC. 13. *And be it further ordained*, That the Bonds and the interest thereon shall not be general obligations of the City and shall not be a pledge of or involve the faith and credit or the taxing power of the City, and shall not con-

stitute a debt of the City, all within the meaning of Section 7 of Article XI of the Constitution of Maryland or any other constitutional, statutory or charter provision limiting or restricting the sale or issuance of bonds, notes or other obligations of the City. The Bonds and the interest thereon shall not constitute or give rise to any pecuniary liability of the City. The Bonds, and the interest thereon, shall be limited obligations of the City, the principal of and interest on which Bonds shall be payable by the City solely from the revenue derived from Loan repayments (both principal and interest) made to the City by the Borrower on account of the Loan and, to the extent provided by the Board in the Resolution, from the proceeds of the Bonds, and from any other moneys made available to the City for such purpose. If the Trust Agreement is entered into, the proceeds of the Bonds will be paid directly to the Trustee to be held and disbursed by the Trustee as provided in the Trust Agreement to be approved by the Board in the Resolution. If an Assignment is entered into and the Project has not been completed, the Board will provide in the Resolution that the proceeds will be paid directly to the Project Fund Trustee and deposited by the Project Fund Trustee into the Project Fund thereby created under the Assignment, or if the Assignment is entered into and the Board finds and determines that the Project has been or will be completed on or before the date of delivery of the revenue bonds, the Board may provide in the Resolution that the proceeds of the revenue bonds will be paid directly to the Borrower, or for the account of the Borrower, to be used by the Borrower to pay the costs of, or to reimburse the Borrower for payment of the costs of, the completion of the Project, as provided in the Assignment to be approved by the Board in the Resolution. No such moneys will be commingled with the City's funds or will be subject to the absolute control of the City, but will be subject only to such limited supervision and checks as are deemed necessary or desirable by the City to insure that the proceeds of the Bonds are used to accomplish the public purposes of the Enabling Law and this Ordinance.

SEC. 14. *And be it further ordained,* That in consideration of the purchase and acceptance of the Bonds by those



who shall hold the Bonds from time to time, the City does hereby, and by the execution and delivery of the Trust Agreement or the Assignment to be approved by the Board shall, set aside and pledge the income and revenue under the Loan Agreement (other than payments to the City for indemnification or to reimburse the City for expenses incurred by the City itself) to the Trustee or, if the Assignment is entered into, the Original Purchaser, its successors and assigns, to be used and applied for the payment of the principal of and interest on the Bonds. Pursuant to the terms of the Loan Agreement to be approved by the Board in the Resolution, payments sufficient for the prompt payment when due of the principal of, premium, if any, and interest on the Bonds are to be paid by the Borrower to the Trustee for the benefit of the holders of the Bonds, or, if the Assignment is entered into, to the Original Purchaser, its successors and assigns, for the account of the City.

SEC. 15. *And be it further ordained*, That the Borrower shall agree that:

(a) It will submit any plans and specifications for the Project to the Department of Housing and Community Development for approval, and that the Department of Housing and Community Development may refuse approval of any plans and specifications for aesthetic or functional reasons; and

(b) It and its developers will work with the design advisory group appointed by the Department of Housing and Community Development in order to achieve high quality site, building, and landscape design.

SEC. 16. *And be it further ordained*, That the provisions of this Ordinance are severable, and if any provision, sentence, clause, section or part hereof is held illegal, invalid or unconstitutional or inapplicable to any person or circumstances, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this Ordinance or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this Ordinance would have been

passed if such illegal, invalid or unconstitutional provision, sentence, clause, section or part had not been included herein, and if the person or circumstances to which this Ordinance or any part hereof are inapplicable had been specifically exempted herefrom.

SEC. 17. *And be it further ordained*, That, if the Bonds are not issued and sold within six months from the date on which this Ordinance is approved by the Mayor of the City, the authorization provided in this Ordinance for the City to issue and sell the Bonds shall expire; provided, however, that the Board may, after a showing of good cause at a public hearing held before the Board, extend such authorization for one additional term not to exceed six months. The Board, in its sole discretion, shall determine the sufficiency, or lack thereof, of the reasons presented for any requested extension of this Ordinance. If an extension is granted, notice of such extension and the reasons therefor must be sent to the City Council.

SEC. 18. *And be it further ordained*, That this Ordinance shall take effect from the date of its passage.

Approved January 21, 1981.

WILLIAM DONALD SCHAEFER, *Mayor*.

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No. 221

(Council No. 394)

AN ORDINANCE concerning

FRANCHISE AMENDMENT—BRIDGEWAY  
FOR BUDEKE'S PAINTS

FOR the purpose of decreasing the minimum height above the street of the bridgeWAY.

BY repealing and reordaining with amendments  
Ordinance 52, Approved May 8, 1980  
Section 2

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That Section 2 of Ordinance 52, approved May 8, 1980, entitled "An Ordinance concerning Franchise Bridgeway for Budeke's Paints" be repealed and reordained with amendments to read as follows:

"SEC. 2. *And be it further ordained*, That the entrances from said superstructure or bridgeway to said buildings shall be equipped with automatic, self-closing fire doors, and that the bottom of said superstructure or bridgeway shall be not less than [14] 11 feet from the surface of the center of said street and that said superstructure or bridgeway, shall be 5 feet wide, 7 feet 6 inches high, and 13 feet 10 inches long. No combustible materials shall be used in the construction of same, and the said superstructure or bridgeway shall be erected and completed under the supervision and to the satisfaction of the Bureau of Building Inspection of Baltimore City, and shall be at all times hereafter subject to regulation and control by the said Bureau of Building Inspection.

No woodwork or other combustible materials shall be used in the construction or maintenance of said one-story enclosed bridgeway, and said structure shall be constructed in all respects in accordance with the Building Code of Baltimore City and shall be completed and maintained under the supervision and to the satisfaction of the Commissioner, Department of Housing and Community Development of Baltimore City, and shall be at all times hereafter, subject to regulation and control by the said Commissioner."

SEC. 2. *And be it further ordained*, That this ordinance shall take effect on the date of its passage.

Approved January 26, 1981.

WILLIAM DONALD SCHAEFER, *Mayor*.



No. 222

(Council No. 440)

AN ORDINANCE concerning

PARKING—RESERVED

FOR the purpose of moving Albert Jaworski's reserved parking space from Fait Avenue to Lakewood Avenue.

BY repealing

Ordinance 1139 approved July 15, 1971

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That on the Ordinance 1139, approved July 15, 1971, which provided for reserved parking on Fait Avenue, be and it is hereby repealed.

SEC. 2. *And be it further ordained*, That on the east side of Lakewood Avenue, from a point 20 feet north of Fait Avenue to a point 42 feet north of Fait Avenue, parking is reserved for Albert Jaworski.

SEC. 3. *And be it further ordained*, That this ordinance shall take effect on the date of its passage.

Approved January 26, 1981.

WILLIAM DONALD SCHAEFER, *Mayor*.

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No. 223

(Council No. 358)

AN ORDINANCE providing for a supplementary special fund appropriation in the amount of Nine Thousand Three Hundred Dollars (\$9,300) to the Mayor's Advisory Committee on Art and Culture to be used for the development of educational exhibits and workshops in music, visual arts and puppetry at the Cloisters Children's Museum, in accordance with the provisions of

Article VI, Section 2(h) (2) of the Baltimore City Charter (1964 Revision).

WHEREAS, the money appropriated herein represents a grant from a public source which could not be expected with reasonable certainty at the time of the formulation of the 1980-1981 Ordinance of Estimates; and

WHEREAS, the supplementary special fund appropriation ordained herein has been recommended to the City Council by the Board of Estimates, said recommendation having been made at a regular meeting of said Board held on the 27th day of August, 1980, all in accordance with Article VI, Section 2(h) (2) of the 1964 revised Charter of Baltimore City.

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That under the provisions of Article VI, Section 2(h) (2) of the 1964 revision of the Charter of Baltimore City, the sum of Nine Thousand Three Hundred Dollars (\$9,300) shall be made available to the Mayor's Advisory Committee on Art and Culture as a supplementary special fund appropriation for the fiscal year ending June 30, 1981 for the purpose of development of educational exhibits and workshops in music, visual arts and puppetry at the Cloisters Children's Museum. The amount thus made available as a supplementary special fund appropriation shall be expended from a grant of funds to the Mayor and City Council of Baltimore by the Maryland Arts Council, State Department of Economic and Community Development, said sum being specifically allotted to the Mayor and City Council of Baltimore for the aforesaid purpose; and said funds from said Maryland Arts Council, State Department of Economic and Community Development shall be the source of revenue for this supplementary special fund appropriation, as required by Article VI, Section 2(h) (2) of the 1964 revised Charter of Baltimore City.

SEC. 2. *And be it further ordained*, That this ordinance shall take effect from the date of its passage.

Approved February 10, 1981.

WILLIAM DONALD SCHAEFER, *Mayor*.

## No. 224

(Council No. 375)

## AN ORDINANCE concerning

## WORTHLESS CHECKS

FOR the purpose of increasing the penalty for presenting a worthless instrument in payment of any city tax, charge or fee.

BY amending

Article 1—Mayor, City Council and Municipal Agencies  
Section 151

Baltimore City Code (1976 Edition, as amended)

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That Section 151 of Article 1 of the Baltimore City Code (1976 Edition, as amended) title "Mayor, City Council and Municipal Agencies", subtitle "Worthless Checks", be and it is hereby repealed and reordained with amendments to read as follows:

## WORTHLESS CHECKS

151. Presentation to city prohibited; penalty.

There is hereby imposed a charge [of ten dollars (10.00)] for each and every check or like written instrument which is not paid in full for any reason, other than any act of fault or neglect on the part of the Mayor and City Council of Baltimore, by the financial institution upon which it is drawn when on first return indicates 'No Funds' or 'Account Closed' or when presented a second time for payment or dishonored regardless of reason (hereinafter designated as "worthless instrument") on every person or other legal entity who presents any such worthless instrument to the Mayor and City Council of Baltimore or the Director of Finance of Baltimore City, or any of their agents or employees, in payment of any tax, charge, fee, assessment or impost of any kind levied or imposed under any law, ordinance, rule or regulation. *The charge for each such worthless instrument shall be 5 per cent of the amount of the instrument (penalty to be rounded to the nearest dollar), with a minimum charge of*



*\$15.00. When the instrument is submitted in payment of more than one city bill, then this charge shall be imposed for each bill. Such charge [of ten dollars (\$10.00)] shall be collected by the Director of Finance of Baltimore City, and shall be a lien upon the property involved in any particular case and shall be recorded in the Tax Lien Record maintained by the Bureau of Collections in all appropriate cases, in the same manner and to the same extent as the tax, charge, fee, assessment or impost in connection with which the worthless instrument was presented in payment is collected and is a lien upon property and is recorded in the aforesaid Tax Lien Record.*

SEC. 2. *And be it further ordained, That this ordinance shall take effect ~~thirty days from the date of its passage~~ JULY 1, 1981.*

Approved February 10, 1981.

WILLIAM DONALD SCHAEFER, *Mayor.*

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No. 225

(Council No. 392)

AN ORDINANCE concerning

ILLEGAL DUMPING

FOR the purpose of expanding the protection provided by the City of Baltimore and State of Maryland's current prohibition against illegal dumping, expanding the definition of persons affected by the prohibition, and increasing the penalties for violation of the prohibition.

BY repealing and reordaining with amendments

Article 11—Health

Sections—135 and 136

Baltimore City Code (1976 Edition, as amended)

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore, That Sections 135 and 136 of Article II of the*

Baltimore City Code (1976 Edition, as amended), title "Health" subtitles "Dumping earth and garbage" and "Same; penalties," be and they are hereby repealed to read as follows:

**[135. Dumping earth and garbage.**

It shall be unlawful for any person or persons to dump any earth, dirt, sand, ashes, garbage, gravel, rocks, refuse, or other matter, upon any private property in the City of Baltimore, without permission therefor from the owner or owners thereof, or their agent.】

*135. Dumping earth and garbage.*

*(a) Legislative findings.*

*The City Council of Baltimore finds that there is absolutely no doubt that the dumping of rubbish, waste material, refuse, garbage, unwanted construction material, trash, debris, dead animals and other discarded material is a sickening blight on the roads, sidewalks, parks, landscape, waters, tidal areas and shores of the City of Baltimore. The City Council of Baltimore further finds that such dumping is a serious threat to the health, welfare, safety, peace and comfort of the inhabitants of the city. The City Council of Baltimore further finds that incidents of such dumping have increased as the amount of available landfill space available to inhabitants of the city has decreased, and that while various groups of persons have been responsible for this increase, some of the most notorious perpetrators have been those involved in the building and construction industry. Therefore, the City Council of Baltimore declares as a matter of legislative determination that such dumping cannot and will not be tolerated, that the prohibition against such dumping must be expanded to include all possible perpetrators, and that the penalties against such dumping must be increased in order to curb this intolerable practice and to deny the perpetrators of any possible economic benefit.*

*(b) Definitions.*

*That whenever and wherever in this ordinance the following phrases, words or designations appear they shall*

*have the meanings hereinafter respectively ascribed to them, except when the context clearly requires otherwise:*

(1) *“Person” means any individual, corporation, business trust, estate, trust, partnership, association, two or more persons who have a joint or common interest, or any other legal or commercial entity.*

(2) *“Land” means any land, building, road, sidewalk, park, body of water, tidal area or shore within the City of Baltimore, whether it be owned by a person, or persons, the City of Baltimore, the State of Maryland, or the government of the United States.*

(3) *“Dumping” means the deposit of any rubbish, waste material, refuse, garbage, unwanted construction material, trash, debris, dead animals or other discarded materials on any land, except that land which is designated by the Commissioner of Health for the deposit of such rubbish, waste material, refuse, garbage, unwanted construction material, trash, debris, dead animals or other discarded materials.*

*(c) Unlawful activities.*

*It shall be unlawful for any person or persons to dump or cause dumping within the City of Baltimore, unless:*

(1) *Such dumping is done on land designated by the Commissioner of Health for the deposit of such rubbish, waste material, refuse, garbage, unwanted construction material, trash, debris, dead animals or other discarded materials.*

(2) *Such dumping is done in receptacles or containers installed on land for the reception of such rubbish, waste material, refuse, garbage, unwanted construction material, trash, debris, dead animals or other discarded materials.*

**[136. Same; penalties.**

**Any person or persons who shall violate the provisions of Section 135, or authorize any violation thereof by his or their employees or agents, shall be subject to a fine of five dollars for each and every such offense; to be collected as other fines are collected for violations of city ordinances.]**



136. *Same; penalties.*

*Any person or persons who shall violate the provisions of Section 135, or authorize any violation thereof by his or their employees or agents, shall be subject to a fine of not less than fifty dollars (\$50) and not more than five hundred dollars (\$500) or imprisonment for not more than five days, or both, for each and every such offense; except that any person or persons who shall violate the provisions of Section 135, or authorize any violation thereof by his or their employees or agents, by dumping, in any 24-hour period, one hundred or more total pounds of such rubbish, waste material, refuse, garbage, unwanted construction material, trash, debris, dead animals or other discarded materials, shall be subject to a fine of five hundred dollars (\$500), imprisonment for not more than twelve months, or revocation of the privilege of seeking a building permit within the City of Baltimore, or all three, for each and every offense. Any fine to be collected under this section shall be collected as other fines are collected for violations of city ordinances.*

SEC. 2. *And be it further ordained, That this ordinance shall take effect thirty days from the date of its passage.*

Approved February 10, 1981.

WILLIAM DONALD SCHAEFER, *Mayor.*

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No. 226

(Council No. 400)

AN ORDINANCE concerning

CITY STREET—CLOSING OF LUDLOW STREET

FOR the purpose of condemning and closing Ludlow Street, 66 feet wide, and extending from the B. & O. R.R. Right of Way, North 24°-15'-30" East 417 feet, more or less, to the line of the north side of Barney Street, 66 feet wide, if projected easterly in accordance with a plat thereof

numbered 335-A-30, prepared by the Surveys and Records Division and filed in the Office of the Department of Public Works, on the Nineteenth (19th) day of September, 1980.

BY authority of

Article I—General Provisions

Section—4

Article II—General Provisions

Sections—2, 34, 35

Baltimore City Charter (1964 Revision, as amended)

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That the Department of Public Works be, and they are hereby authorized and directed to condemn and close Ludlow Street, 66 feet wide, and extending from the B. & O. R.R. Right of Way, North 24°-15'-30" East 417 feet, more or less, to the line of the north side of Barney Street, 66 feet wide, if projected easterly the street hereby directed to be condemned for said closing being described as follows:

Beginning for the same at the point formed by the intersection of the northeast side of the B. & O. R.R. Right of Way and the northwest side of Ludlow Street, 66 feet wide, and running thence binding on the northwest side of said Ludlow Street, North 24°-15'-30" East 395.56 feet to intersect the line of the north side of Barney Street, 66 feet wide, if projected easterly; thence binding on said line so projected, North 86°-59'-30" East 74.25 feet to intersect the southeast side of said Ludlow Street; thence binding on the southeast side of said Ludlow Street, South 24°-15'-30" West 438.33 feet to intersect the northeast side of said Right of Way, and thence binding on the northeast side of said Right of Way, North 58°-11'-00" West 66.58 feet to the place of beginning and designated as Parcel No. 1.

the said Ludlow Street as directed to be condemned being more particularly described and referred to among the Land Records of Baltimore City and delineated and particularly shown on a plat numbered 335-A-30 which was filed in the Office of the Department of Public Works on the Nineteenth (19th) day of September in the year 1980, and is now on file in said Office.

SEC. 2. *And be it further ordained*, That after said highway or highways shall have been closed under the provisions of this Ordinance, all subsurface structures and appurtenances now owned by the Mayor and City Council of Baltimore, shall be and continue to be the property of the Mayor and City Council of Baltimore, in fee simple, until the use there of shall be abandoned by the Mayor and City Council of Baltimore, and in the event that any person, firm or corporation shall desire to remove, alter or interfere therewith, such person, firm or corporation shall first obtain permission and permits therefor from the Mayor and City Council of Baltimore, and shall in the application for such permission and permits agree to pay all costs and charges of every kind and nature made necessary by such removal, alteration or interference.

SEC. 3. *And be it further ordained*, That no buildings or structures of any kind shall be constructed or erected in said portion of said highway or highways after the same shall have been closed under the provisions of this Ordinance until the subsurface structures and appurtenances now owned by the Mayor and City Council of Baltimore, over which said buildings or structures are proposed to be constructed or erected shall have been abandoned or shall have been removed and relaid in accordance with the specifications and under the direction of the Director of Public Works of Baltimore City, and at the expense of the person or persons or body corporate desiring to erect such buildings or structures. Railroad tracks shall be taken to be "structures" within the meaning of this section.

SEC. 4. *And be it further ordained*, That after said highway or highways shall have been closed under the provisions of this Ordinance, all subsurface structures and appurtenances owned by any person, firm or corporation, other than the Mayor and City Council of Baltimore, shall upon notice from the Director of Public Works of Baltimore City, be promptly removed by and at the expense of the said owners.

SEC. 5. *And be it further ordained*, That on and after the closing of said highway or highways, the said Mayor and City Council of Baltimore, acting through its duly



authorized representatives, shall, at all times, have access to said property and to all subsurface structures and appurtenances used by it therein, for the purposes of inspection, maintenance, repair, alteration, relocation and/or replacement, of any or all of said structures and appurtenances, and this without permission from or compensation to the owner or owners of said land.

SEC. 6. *And be it further ordained*, That the proceedings of said Department of Public Works with reference to the condemnation and closing of said Ludlow Street and the proceedings and rights of all parties interested or affected thereby, shall be regulated by, and be in accordance with, any and all applicable provisions of Article 4 of the Code of Public Local Laws of Maryland and the Charter of Baltimore City (1964 Revision) as amended to July 1, 1973 and any and all amendments thereto, and any and all other Acts of the General Assembly of Maryland, and any and all ordinances of the Mayor and City Council of Baltimore, and any and all rules or regulations in effect which have been adopted by the Director of Public Works and filed with the Department of Legislative Reference.

SEC. 7. *And be it further ordained*, That this Ordinance shall take effect from the date of its passage.

Approved February 10, 1981.

WILLIAM DONALD SCHAEFER, *Mayor*.

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No. 227

(Council No. 405)

AN ORDINANCE concerning

CITY STREET—CLOSING A PORTION OF  
NORTHERN PARKWAY

FOR the purpose of condemning and closing a portion of Northern Parkway, formerly known as Maple Avenue, contiguous to the northeast side thereof and extending

from Everall Avenue Southeasterly 143.28 feet to the north side of Northern Parkway, as now laid out in accordance with a plat thereof numbered 338-A-12, prepared by the Surveys and Records Division and filed in the Office of the Department of Public Works, on the Twenty-fourth (24th) day of September, 1980.

BY authority of

Article I—General Provisions

Section—4

Article II—General Provisions

Sections—2, 34, 35

Baltimore City Charter (1964 Revision, as amended)

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That the Department of Public Works be, and they are hereby authorized and directed to condemn and close a portion of Northern Parkway, formerly known as Maple Avenue, contiguous to the northeast side thereof and extending from Everall Avenue Southeasterly 143.28 feet to the north side of Northern Parkway, as now laid out, the portion of the street hereby directed to be condemned for said closing being described as follows:

Beginning for the same at the point formed by the intersection of the northeast side of Northern Parkway, formerly known as Maple Avenue, and the east side of Everall Avenue, as now laid out 40 feet wide and running thence binding on the northeast side of said Northern Parkway, Southeasterly 143.28 feet to the southeast outline of the property now or formerly owned by Slavia Savings and Loan Association and known as No. 3700 E. Northern Parkway; thence binding on the line of said southeast outline if projected southwesterly, Southwesterly 3 feet, more or less, to intersect the north side of Northern Parkway, as opened in accordance with Ordinance No. 439 approved July 13, 1925; thence binding on the north side of last said Northern Parkway, westerly by a line curving to the left with a radius of 397.46 feet the distance of 142 feet, more or less, to intersect the line of the east side of said Everall Avenue if projected southerly and thence binding reversely on last said line so projected, Northerly 47 feet, more or less, to the place of beginning.

the said portion of Northern Parkway as directed to be condemned being delineated and particularly shown on a plat numbered 338-A-12 which was filed in the Office of the Department of Public Works on the Twenty-fourth (24th) day of September in the year 1980, and is now on file in said Office.

SEC. 2. *And be it further ordained*, That after said highway or highways shall have been closed under the provisions of this Ordinance, all subsurface structures and appurtenances now owned by the Mayor and City Council of Baltimore, shall be and continue to be the property of the Mayor and City Council of Baltimore, in fee simple, until the use thereof shall be abandoned by the Mayor and City Council of Baltimore, and in the event that any person, firm or corporation shall desire to remove, alter or interfere therewith, such person, firm or corporation shall first obtain permission and permits therefor from the Mayor and City Council of Baltimore, and shall in the application for such permission and permits agree to pay all costs and charges of every kind and nature made necessary by such removal, alteration or interference.

SEC. 3. *And be it further ordained*, That no buildings or structures of any kind shall be constructed or erected in said portion of said highway or highways after the same shall have been closed under the provisions of this Ordinance until the subsurface structures and appurtenances over which said buildings or structures are proposed to be constructed or erected shall have been abandoned or shall have been removed and relaid in accordance with the specifications and under the direction of the Director of Public Works of Baltimore City, and at the expense of the person or persons or body corporate desiring to erect such buildings or structures. Railroad tracks shall be taken to be "structures" within the meaning of this section.

SEC. 4. *And be it further ordained*, That on and after the closing of said highway or highways, the said Mayor and City Council of Baltimore, acting through its duly authorized representatives, shall, at all times, have access to said property and to all subsurface structures and appurtenances used by it therein, for the purposes of inspec-



tion, maintenance, repair, alteration, relocation and/or replacement, of any or all of said structures and appurtenances, and this without permission from or compensation to the owner or owners of said land.

SEC. 5. *And be it further ordained*, That the proceedings of said Department of Public Works with reference to the condemnation and closing of said portion of Northern Parkway and the proceedings and rights of all parties interested or affected thereby, shall be regulated by, and be in accordance with, any and all applicable provisions of Article 4 of the Code of Public Local Laws of Maryland and the Charter of Baltimore City (1964 Revision) as amended to July 1, 1973 and any and all amendments thereto, and any and all other Acts of the General Assembly of Maryland, and any and all ordinances of the Mayor and City Council of Baltimore, and any and all rules or regulations in effect which have been adopted by the Director of Public Works and filed with the Department of Legislative Reference.

SEC. 6. *And be it further ordained*, That this Ordinance shall take effect from the date of its passage.

Approved February 10, 1981.

WILLIAM DONALD SCHAEFER, *Mayor*.

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No. 228

(Council No. 414)

AN ORDINANCE concerning

DEPUTY COMMISSIONERS OF HEALTH

FOR the purpose of deleting the reference to a Chief ASSISTANT Commissioner of Health and substituting two Deputy Commissioners.

BY amending

Article 11—Health

Section 2

Baltimore City Code (1976 Edition, as amended)

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore, That Section 2 of Article 11 of the Baltimore City Code (1976 Edition, as amended), be and it is hereby repealed and reordained with amendments to read as follows:*

2. **【Chief Assistant Commissioner.】** *Deputy Commissioner for Administration and Deputy Commissioner for Medical Services.*

It shall be the duty of the **【Chief Assistant】** *Deputy Commissioner for Administration and the Deputy Commissioner of Health for Medical Services* to assist the Commissioner of Health in the performance of his duties, to discharge the duty of seeing that a faithful record is kept of all reports, and other matters relating to the Health Department; and in case of absence of the Commissioner of Health **【he】** *either the Deputy Commissioner for Administration or the Deputy Commissioner of Health for Medical Services shall be designated by the Commissioner of Health to perform all the duties herein assigned to the said Commissioner of Health.*

SEC. 2. *And be it further ordained, That this ordinance shall take effect on the date of its passage.*

Approved February 10, 1981.

WILLIAM DONALD SCHAEFER, *Mayor.*

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No. 229

(Council No. 415)

AN ORDINANCE concerning

BUILDING CODE WAIVER — GENERAL  
MOTORS CORPORATION

FOR the purpose of waiving Paragraphs 4811 and 4852 of Article 32 of the Baltimore City Code (1976 Edition, as amended) to permit the construction of additions and alterations to the present industrial building of

General Motors Corporation (Chevrolet Motors Division) on the property generally known as 2122 Broening Highway, all as more particularly described herein.

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That as applicable to additions and alterations to be constructed by General Motors Corporation (Chevrolet Motors Division) to its industrial building on the property generally known as 2122 Broening Highway used primarily for the manufacture of automobiles, said building being hereinafter called the General Motors Corporation industrial building, the provisions of certain paragraphs of Article 32 of the Baltimore City Code (1976 Edition, as amended), title "Building Regulations," being known generally as the Building Code of Baltimore City, as heretofore amended, be and they are hereby waived as follows:

A. The provisions of Paragraph 4811 of said Article 32, and also any other pertinent and conflicting provisions of said Article 32, as heretofore amended, be and they are hereby waived insofar as they impose certain maximum volume limitations on certain types of construction of industrial buildings;

C. The provisions of Paragraph 4852 of said Article 32, and also any other pertinent and conflicting provisions of said Article 32, as heretofore amended, covering maximum distance to and between exits, be and the same are hereby waived, provided that with respect to the maximum distance to and between exits in subsequent additions to said General Motors Corporation industrial building where size and area of building does not permit compliance with said Paragraph 4852 from interior areas the requirements to be met in the construction of said additions shall be those determined by the Commissioner to be necessary, consistent with the intent of said Article 32 to provide adequate safety for the occupants of said building.

The waivers herein set forth shall be effective only as to the General Motors Corporation industrial building including additions which shall not exceed a volume of 39,877,000 cubic feet nor two stories plus penthouses in height. The foregoing waivers also apply to necessary



equipment penthouses to be located on the roofs of said proposed additions.

In place of the provisions hereby waived for said additions an automatic sprinkler system shall be installed throughout the new additions similar to the sprinkler systems now existing throughout the General Motors Corporation industrial building. In addition, fire hydrants and hose houses will be installed on the roofs and around the perimeter of said additions and connected to the existing fire protection system including the elevated water tank which serves as an auxiliary source of water supply. There shall also be constructed smoke and heat baffles of non-combustible material from underside of roofs to bottom of trusses, smoke and heat relief vents in roof areas and a fire barrier wall to separate the operations of the Chevrolet Motors Division and the Fisher Body Division. The additions shall be constructed of fire-resistive or incombustible materials in structural assemblies that will meet the approval of the Commissioner as providing adequate fire-resistiveness.

Except for the specific provisions of this ordinance, all other provisions of said Building Code and all other laws and ordinances of Baltimore City applicable thereto shall be observed in the construction of the said additions.

SEC. 2. *And be it further ordained*, That this ordinance shall take effect from the date of its passage.

Approved February 10, 1981.

WILLIAM DONALD SCHAEFER, *Mayor*.

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No. 230

(Council No. 473)

AN ORDINANCE concerning

ISSUANCE OF INDUSTRIAL DEVELOPMENT  
REVENUE BONDS—THE ART LITHO COMPANY

FOR the purpose of amending Ordinance No. 33, signed into law on March 28, 1980 as amended by Ordinance No. 74 signed into law on June 9, 1980 (the "Initial Ordinance"), which authorized the issuance of the Baltimore City, Maryland Industrial Development Revenue Bonds (Art Litho Company Project) (the "Bonds"), in the aggregate principal amount not in excess of \$1,000,000 in order to provide (i) that the property to be acquired with the proceeds of the bonds shall be amended to permit the deletion of the acquisition and/or construction of an addition to the facility of the Art Litho Company located at 2220 Langley Street (the "Addition"), (ii) that the loan of the proceeds of the bonds shall be made to the Art Litho Company and not to the Art Litho Company and Philip A. Hoffman and Phyllis M. Hoffman as provided in the initial ordinance, (iii) that the loan of the proceeds of the bonds to the Art Litho Company shall be secured by a security interest in the industrial building acquired with the proceeds of the bonds and may not be secured by a deed of trust covering the facility located at 2220 Langley Street (the "Langley Street Facility") as provided in the initial ordinance and (iv) that initially only one series of bonds shall be designated Series A; making certain determinations and findings with respect to the issuance of the bonds; authorizing the issuance of a series of bonds to finance the acquisition of a press by the Art Litho Company; and generally providing for, and determining various matters and details in connection with, the authorization, issuance, security, sale and payment of the bonds.

### RECITALS

Sections 266A to 266-I inclusive of Article 41 of the Annotated Code of Maryland (1978 Replacement Volume and 1980 Cumulative Supplement), as amended, (the "Act") empower the counties and municipalities of the State of Maryland to issue revenue bonds and to loan the proceeds of the sale of such revenue bonds to an industrial concern (as mentioned in the Act) to finance the acquisition (as mentioned in the Act) by such industrial concerns of any industrial building (as mentioned in the Act).

Mayor and City Council of Baltimore (the "City") received a letter of intent (as contemplated by Section 266B(d) of the Act) dated November 6, 1979, from The Art Litho Company, a Maryland corporation and an industrial concern as mentioned in 266A(a) of the Act (the "Company"), and a supplemental letter of intent dated January 14, 1980 from the Company and Philip A. Hoffman and Phyllis M. Hoffman, the principal stockholders of the Company and together an industrial concern as mentioned in Section 266A(h) of the Act (the "Hoffmans"), pursuant to which the Company and the Hoffmans requested the City to participate in the financing of the acquisition by the Company and the Hoffmans of an industrial building by the issuance and sale by the City of its Baltimore City, Maryland Industrial Development Revenue Bonds (Art Litho Company Project), in the aggregate principal amount not to exceed \$1,000,000, by loaning the proceeds of the bonds to the Company and the Hoffmans upon the terms and conditions of a Loan Agreement to be entered into between the City, the Company and the Hoffmans as permitted by the Act.

As proposed in the letters dated November 6, 1979 and January 14, 1980 referred to above (collectively the "Initial Letter of Intent"), the industrial building to be acquired with the proceeds of the issue of revenue bonds would consist generally of (a) the acquisition and installation of a new Royal Zenith Planeta Variant (4) Color Press (the "Press") to be located in the Company's facility located at 1500 West Patapsco Avenue, Baltimore, Maryland (the "Patapsco Avenue Facility"); and (b) the acquisition and/or construction of an addition to the Company's facility located at 2220 Langley Street, Baltimore, Maryland (the "Addition"), together with necessary and useful machinery, equipment and other necessary facilities.

Pursuant to Ordinance No. 33 as amended by Ordinance No. 74 (the "Initial Ordinance"), the City accepted the Initial Letter of Intent and determined to issue and sell its Baltimore City, Maryland Industrial Development Revenue Bonds (Art Litho Company Project) (the "Bonds") to finance the acquisition of the



Press and the Addition. The Initial Ordinance provided that as security for the Bonds, the City would enter into a Trust Agreement (the "Trust Agreement") with a Trustee (the "Trustee") to be appointed by the Board of Finance of the City (the "Board") by a Resolution (the "Resolution") to be adopted by the Board prior to the issuance, sale and delivery of the Bonds.

As further security for the Bonds, the Initial Ordinance provided that the City was authorized to execute a Deed of Trust covering the facility of The Art Litho Company at 2220 Langley Street (the "Langley Street Facility"). The City acquired title the Langley Street Facility pursuant to Ordinance No. 343 of the 1973 legislative session of the City Council of Baltimore which authorized the City to borrow a sum of money pursuant to Sections 266J to 266CC, inclusive of Article 41 of the Annotated Code of Maryland (1971 Replacement Volume and 1972 Supplement) (the "MIDFA Act") in order to finance the acquisition of the Langley Street Facility. The Langley Street Facility is leased to the Hoffmans who in turn have leased the Langley Street Facility to the Company.

The Initial Ordinance further provided that, as security for the loan of the proceeds of the Bonds to the Company and the Hoffmans, the Hoffmans may execute a Deed of Trust covering their interest in the Langley Street Facility.

The Initial Ordinance further provided that the Bonds would be issued in two series. The proceeds of the Series A Bonds (as defined in the Initial Ordinance) would be used to acquire the Press. The proceeds of the Series B Bonds (as defined in the Initial Ordinance) would be used to acquire the Addition.

On June 23, 1980 the Board of Finance of the City passed a Resolution authorizing the issuance of the Series A Bonds and the Series B Bonds and approved a form of various documents in connection with the issuance of said Bonds.

Since June 23, 1980, the Company and the Hoffmans have been presented with the opportunity to purchase

an existing building located in Baltimore County, Maryland in the vicinity of the Langley Street Facility which would better serve the needs of the Company, and the Company and the Hoffmans have elected to seek amendment of the Initial Ordinance and the passage of an appropriate bond resolution by the Board of Finance authorizing the issuance of the Series A Bonds pursuant to a Loan Agreement and Trust Agreement as generally described in the Initial Ordinance as amended hereby. The City has received a Supplemental Letter of Intent (the "Supplemental Letter of Intent") from the Company and Philip A. Hoffman and Phyllis M. Hoffman requesting that the City amend the Initial Ordinance to authorize the City to issue the Series A Bonds to finance the acquisition of the Press by the Company. In the Supplemental Letter of Intent the Company indicated that the Press would be acquired together with additional equipment so that it will operate as a 5 color press. The loan of the proceeds of the Series A Bonds to the Company pursuant to a loan agreement will be secured by a security interest in the Press.

The City has determined to accept the Supplemental Letter of Intent from the Company and the Hoffmans and to proceed with the issuance of the Series A Bonds in order to finance the acquisition of the Press as generally described above.

**NOW THEREFORE, IN ACCORDANCE WITH THE ACT;**

**SECTION 1.** *Be it ordained by the Mayor and City Council of Baltimore,* That acting pursuant to the Act, it is hereby found and determined as follows:

(a) The issuance and sale of the Series A Bonds by the City pursuant to the Act in order to lend the proceeds thereof to the Company for the purpose of financing the acquisition of the Press by the Company, to pay the costs of preparing, printing and selling the Bonds and to pay other costs permitted by the Act will facilitate and expedite the acquisition of the Press by the Company.

(b) The acquisition of the Press and, if approved by the Board by a resolution, the acquisition of the Addition,

by the Company and the financing thereof as provided in this Ordinance will promote and contribute to the declared legislative purposes of the Act, as set forth in Section 266B(c) thereof, by (i) sustaining jobs and employment, thus relieving conditions of unemployment in the State of Maryland and in Baltimore City; (ii) encouraging the increase of industry and the creation of a balanced economy in the State of Maryland and in Baltimore City; (iii) assisting in the retention of existing industry in the State of Maryland and in Baltimore City; (iv) promoting economic development; and (v) thereby promoting the health, welfare and safety of the residents of the State of Maryland and Baltimore City.

(c) In addition to authorizing the City itself to acquire the Press (and the Addition) and either to lease or to sell the same to the Company, the Act, as an alternative procedure, also authorizes the financing of the Press (and, if approved by the Board, the financing of the Addition) to be accomplished in the form of a loan by the City to the Company. The loan form of transaction avoids indirect costs and burdens on the City by not requiring any direct involvement by the City in the acquisition, ownership or administration of the Press (or the Addition), while permitting ample controls to be imposed on the use of the proceeds of the Series A Bonds (or the Series B Bonds) to insure that the public purposes of the Act and the Series A Bonds (or the Series B Bonds) are fully accomplished. It is, therefore, in the best interests of the citizens of the City to finance the acquisition of the Press by a loan to the Company and the acquisition of the Press (and the Addition) by the Company. This Ordinance contemplates and authorizes a transaction in the form of a loan of the proceeds of the Series A Bonds (and the Series B Bonds) by the City to the Company, rather than a transaction in the form of a lease or sale of the Press (or the Addition). Accordingly, this Ordinance, together with the Resolution, the Trust Agreement and the Loan Agreement authorized hereby, and the other documents referred to herein, contains, or shall contain, such provisions as the City deems appropriate to effect the financing of the acquisition by the Company of the Press (and the Addition) by the loan form of transaction.



(d) The City will acquire or possess no interest in the Press or any other assets of the Borrower other than (i) any general interest in the Company's property shared by all holders of the Company's obligations which rank and are secured equally with the Company's obligations pursuant to a Loan Agreement relating to the loan of the proceeds of the Bonds (the "Loan Agreement") and other obligations incurred pursuant to this Ordinance, (ii) the lien and security interest created by the Loan Agreement, and (iii) any interest created by any other mortgage, deed of trust, assignment of lease or other security instrument executed and delivered by the Company or any third party as security for the loan under the Loan Agreement (the "Loan") as the Board of Finance of the City (the "Board") may provide for and approve in a bond resolution (the "Resolution"). The security for the Bonds shall be solely and exclusively (A) the absolute, irrevocable and unconditional obligations of the Company to make the payments required by the Loan Agreement, (B) moneys realized from the liquidation of the liens and security interest created by the Loan Agreement and of any other lien or security interest created with respect to any property as security for the Loan or the Bonds as the Board may provide for and approve in the Resolution, (C) moneys realized from any guaranty of the Bonds or of the Loan as the Board may provide for and approve in the Resolution and (D) any other property made available for such purpose.

(e) None of the revenues derived by the City from the Loan Agreement shall be set aside as a depreciation account (mentioned in the Act) since such a depreciation account would (i) be inconsistent with the loan form of transaction authorized hereby, and (ii) place an unreasonable burden on the Company so as to adversely affect the feasibility of the transaction and thus frustrate the legislative purposes of the Act. The Company shall covenant and agree in the Loan Agreement to properly operate and maintain (or cause to be operated or maintained) the Press (and, if financed from proceeds of the Bonds, the Addition) during the time any of the Bonds are outstanding. Such covenant and agreement shall include a specific undertaking by the Company to make (or cause to be made) all equipment replacements and repairs necessary

to insure that the security for the Bonds shall not be impaired.

(f) The best interests of the City will be served by selling the Bonds at a private (negotiated) sale, as authorized by the Act, upon terms and conditions approved by the Board in the Resolution.

(g) The Press and the Addition each constitute an "industrial building" within the meaning of the Act, the Company is an "industrial concern" (as mentioned in Section 366A(a) of the Act) and the Company is a "bona fide tenant" or "bona fide purchaser" (as mentioned in the Act). Therefor, the Press and, if acquired, the Addition, are to be acquired by a bona fide tenant or purchaser (as mentioned in Section 266B(d) of the Act), as evidenced by the Initial Letter of Intent as supplemented by the Supplemental Letter of Intent, which is a letter of intent within the meaning of the Act.

(h) Neither the Bonds nor the interest nor redemption premium, if any, thereon shall ever constitute an indebtedness or general obligation of the City or a charge against, or pledge of, the general credit or taxing powers of the City, within the meaning of any constitutional or charter provision or statutory limitation, or shall ever constitute or give rise to any pecuniary liability of the City. The Bonds and the interest and redemption premium, if any, thereon shall be limited obligations of the City, and shall be solely payable from (i) certain revenue derived from Loan repayments (both principal and interest) made to the City by the Company on account of the Loan, (ii) moneys derived from any collateral pledged under the Loan Agreement or under any assignment of lease, mortgage, deed of trust, guaranty or security agreement executed or delivered in connection with the Bonds or the Loan, and (iii) any other moneys made available to the City for such purpose. Accordingly, this Ordinance definitely fixes and determines the entire amount of the above described receipts and revenues of the City from the Loan (except for certain rights of the City to indemnification and to payments in respect of its administrative expenses in connection with the Bonds and the Loan) to be the amount of revenue derived from payments with respect to the Loan

which is necessary to be set apart and applied to the payment of principal of, the interest on, and the redemption premium, if any, on, the Bonds. The proceeds of the Bonds will be deposited with the Trustee to be held and disbursed by the Trustee as provided in the Trust Agreement to be approved by the Board in the Resolution. The payments to be made by the Borrower pursuant to the Loan Agreement will be paid to, and disbursed to, the holders of the Bonds by the Trustee as provided in the Trust Agreement to be approved by the Board in the Resolution. No such moneys will be commingled with the City's funds or will be subject to the absolute control of the City, but will be subject only to such limited supervision and checks as are deemed necessary or desirable by the City to insure that the proceeds of the Bonds are used to accomplish the public purposes of the Act and this Ordinance. The transactions authorized hereby do not constitute any physical public betterment or improvement or the acquisition of property for public use or the purchase of equipment for public use. The public purposes expressed in the Act are to be achieved by facilitating the acquisition of the Press and; if the Board approves, the Addition, by the Company.

SEC. 2. *And be it further ordained*, That Section 2 of Ordinance No. 33 as amended by Ordinance No. 74 is hereby amended to read as follows:

*“Section 2. And be it further ordained*, That the City is hereby authorized and empowered to issue, sell and deliver, in one or more series, from time to time its Baltimore City, Maryland Industrial Development Revenue Bonds (Art Litho Company Project) in the aggregate principal amount not to exceed \$1,000,000 subject to the provisions of THE INITIAL ORDINANCE AMENDED AND SUPPLEMENTED BY this Ordinance. The proceeds of the Bonds will be loaned to the **【Borrower】** COMPANY pursuant to the terms and provisions of the Loan Agreement, to be used by the **【Borrower】** COMPANY for the sole and exclusive purpose of financing the acquisition of the **【Industrial Building】** THE PRESS AND, IF APPROVED BY THE BOARD, THE ADDITION. The Bonds and the interest and redemption premium, if any, thereon shall be limited obligations of the City, be payable by the



City solely from revenue derived from loan repayments, principal and interest made to the City by the [Borrower] COMPANY pursuant to the Loan Agreement, monies derived from any collateral pledged under the Loan Agreement or under any assignment of lease, mortgage, deed of trust or security agreement executed or delivered in connection with the Bonds or the Loan and from any other monies made available to the City for such purpose. The security for the Bonds shall be solely and exclusively as provided in Section 1(d) and [e](H) of this Ordinance."

SEC. 3. *And be it further ordained*, That Section 3 of Ordinance No. 33 as amended by Ordinance No. 74 is hereby amended to read as follows:

"Section 3. *And be it further ordained*, That each of the Bonds shall bear the descriptive title "Baltimore City, Maryland Industrial Development Revenue Bond (Art Litho Company Project)", and MAY [shall] be issued, FROM TIME TO TIME, IN ONE OR MORE [two] series, [which shall] ALL SERIES TO be equally and ratably secured, further designated as "Series A" (the "Series A Bonds"), [and] "Series B" (the "Series B Bonds"), AND THEREAFTER IN ALPHABETICAL SEQUENCE respectively, provided, that the descriptive title for any of the Bonds may contain such other descriptive information (e.g. "1980 Series") as the Board may prescribe in the Resolution. The proceeds of the Series A Bonds shall be loaned to the COMPANY [Borrower] to be used to acquire the Press, and the proceeds of the Series B Bonds [shall] MAY be loaned to the [Borrower] COMPANY AND/OR THE HOFFMANS to be used to acquire the Addition; provided, however, that the aggregate principal amount of the Bonds issued pursuant to this Ordinance shall not exceed \$1,000,000. Unless the City Council shall, by ordinance or resolution, determine otherwise, the Bonds shall bear interest from the date of delivery at a rate equal to nine and one-quarter per centum (9 $\frac{1}{4}$ %) per annum, adjusted as of the date of issuance of the Bonds and on the first Banking Day of each month following the date of issuance of the Bonds, (both upwards and downwards) by an amount equal to fifty percent (50%) of the difference, as of the date of adjustment, between

the then prevailing commercial prime rate of interest charged by Mercantile-Safe Deposit and Trust Company, a Maryland banking and trust company, and seventeen and one-quarter per centum ( $17\frac{1}{4}\%$ ) per annum, provided however, that such floating rate of interest shall in no event be less than eight per centum (8%) nor more than ten per centum (10%) per annum; provided, however, that during any period in which the interest payable on the Bonds is for any reason includible in the gross income (as defined in Section 61 of the Internal Revenue Code of 1954, as amended) of the holder of any of the Bonds, the rate of interest on the Bonds shall be eleven and one-half per centum ( $11\frac{1}{2}\%$ ) per annum. Interest on the Bonds shall be payable periodically on dates to be prescribed by the Board in the Resolution and shall be calculated on the basis of a 360-day year factor applied to actual days elapsed. The principal of the Bonds shall be payable in periodic installments on the dates and in the amounts to be prescribed by the Board in the Resolution."

SEC. 4. *And be it further ordained*, That the City hereby accepts the Supplemental Letter of Intent in order to further evidence the commitment of the City to issue, sell and deliver the Series A Bonds in accordance with the terms and provisions of the Initial Ordinance as amended and supplemented by this Ordinance.

SEC. 5. *And be it further ordained*, That Section 15 of Ordinance No. 33 as amended by Ordinance No. 74 is hereby amended to read as follows:

"Section 15. *And be it further ordained*, That neither the Bonds nor the interest nor redemption premium, if any, thereon nor the obligations of the City under [the Deed of Trust and] the Trust Agreement shall ever constitute an indebtedness or general obligation of the City or a charge against, or pledge of the general credit or taxing powers of the City, within the meaning of any constitutional or charter provision or statutory limitation, or shall ever constitute or give rise to any pecuniary liability of the City. The Bonds and the interest and redemption premium, if any, thereon and the City's obligations under [the Deed of Trust and] the Trust Agreement shall be

limited obligations of the City, and shall be solely payable from (i) certain revenue derived from Loan repayments (both principal and interest) made to the City by the Borrower on account of the Loan, (ii) moneys derived from any collateral pledged under the Loan Agreement or under any assignment of lease, mortgage, deed of trust, guaranty or security agreement executed or delivered in connection with the Bonds or the Loan, and (iii) any other moneys made available to the City for such purpose. Accordingly, this Ordinance definitely fixes and determines the entire amount of the above described receipts and revenues of the City from the Loan (except for certain rights of the City to indemnification and to payments in respect of its administrative expenses in connection with the Bonds and the Loan) to be the amount of revenue derived from payments with respect to the Loan which is necessary to be set apart and applied to the payment of principal of, the interest on, and the redemption premium, if any, on the Bonds. The proceeds of the Bonds will be deposited with the Trustee to be held and disbursed by the Trustee as provided in the Trust Agreement to be approved by the Board in the Resolution. The payments to be made by the Borrower pursuant to the Loan Agreement will be paid directly to the holder(s) of the Bonds OR THE TRUSTEE as provided in the Trust Agreement to be approved by the Board in the Resolution. No such moneys will be commingled with the City's funds or will be subject to the absolute control of the City, but will be subject only to such limited supervision and checks as are deemed necessary or desirable by the City to insure that the proceeds of the Bonds are used to accomplish the public purposes of the Act and this Ordinance."

SEC. 6. *And be it further ordained*, That Section 1 of Ordinance No. 33 as amended by Ordinance No. 74 is hereby repealed.

SEC. 7. *And be it further ordained*, That Sections 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 16, 17, 18, 19, and 20 of the Initial Ordinance will remain in full force and effect and shall not be modified by this Ordinance.

SEC. 8. *And be it further ordained*, That the provisions of this Ordinance are severable, and if any provision,



sentence, clause, section or part hereof is held illegal, invalid or unconstitutional or inapplicable to any person or circumstances, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this Ordinance or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this Ordinance would have been passed if such illegal, invalid or unconstitutional provision, sentence, clause, section or part had not been included herein, and if the person or circumstances to which this Ordinance or any part hereof are inapplicable had been specifically exempted herefrom.

SEC. 9. *And be it further ordained*, That this Ordinance shall take effect from the date of its passage.

Approved February 10, 1981.

WILLIAM DONALD SCHAEFER, *Mayor*.

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No. 231

(Council No. 474)

AN ORDINANCE concerning

MIDFA LOAN TO MAYOR AND CITY COUNCIL OF  
BALTIMORE FOR THE BENEFIT OF THE  
MUELLER PARTNERSHIP AND MUELLER  
ASSOCIATES, INC.

FOR the purpose of authorizing and empowering Mayor and City Council of Baltimore, pursuant to and in accordance with the Maryland Industrial Development Financing Authority Act, to borrow, as a limited obligation and not upon the faith and credit of Mayor and City Council of Baltimore, a sum of money not to exceed \$1,000,000, and to relend the proceeds of such borrowing to The Mueller Partnership, a Maryland general partnership, to be used for the purpose of defraying a portion of the cost of acquiring a certain industrial

project (within the meaning of such Act) consisting of (i) the acquisition of certain real property located in the Caton 95 Office Park at Caton Avenue and Interstate 95 in Baltimore City, and (ii) the construction thereon of a building, which industrial project will be leased by the Partnership to Mueller Associates, Inc., a Maryland corporation, for use by Mueller Associates, Inc. as its corporate headquarters; authorizing and empowering the Mayor and other appropriate officials of the City (a) to accept, on behalf of the City, the letter of intent of The Mueller Partnership and Mueller Associates, Inc., dated December 5, 1980, and (b) to execute any and all documents necessary to effectuate and to secure payment of the aforesaid borrowing, relending, and acquisition; conferring and imposing upon the Department of Housing and Community Development certain powers and duties and providing that The Mueller Partnership and Mueller Associates, Inc. shall agree to submit certain plans and specifications to, and coordinate with, the Department of Housing and Community Development in connection with the acquisition of such industrial project; providing that if such borrowing for such industrial project is not consummated within six months from the date this Ordinance is approved by the Mayor, the authorization provided in this Ordinance for such borrowing shall expire, unless an extension of such authorization is obtained; making certain legislative findings; providing that the faith and credit of Mayor and City Council of Baltimore shall not be deemed to be pledged hereby; and generally providing for and determining various matters and details in connection with such borrowing, relending, and acquisition.

By authority of

MIDFA Act — Title 13, Sections 13-101 through 13-155, inclusive, of the Financial Institutions Article of the Annotated Code of Maryland (1980 Volume and 1980 Supplement), as amended.

### RECITALS

WHEREAS, Ordinance No. 1022, approved November 24, 1975, was enacted transferring all the duties and

responsibilities of Baltimore City Economic Development Commission to the Department of Housing and Community Development, thereby vesting in such Department certain powers and duties to be exercised in connection with aiding the industrial growth of Baltimore City; and

WHEREAS, pursuant to Title 13, Sections 13-101 through 13-155, inclusive, of the Financial Institutions Article of the Annotated Code of Maryland (1980 Volume and 1980 Supplement), as amended (the "MIDFA Act"), Mayor and City Council of Baltimore (the "City"), a "public body" as defined in Section 13-101(o) of the MIDFA Act, has received a letter of intent dated December 5, 1980 (the "Letter of Intent"), from The Mueller Partnership, a Maryland general partnership (the "Partnership") and an "industrial project applicant" as mentioned in Section 13-141(c)(2) of the MIDFA Act, and Mueller Associates, Inc., a Maryland corporation (the "Lessee") and an "industrial project occupant", as contemplated by the MIDFA Act, requesting the City to participate in the financing of the acquisition of a certain industrial project (the "Industrial Project") to be located in Baltimore City, Maryland, and to be leased by the Partnership to the Lessee, and being more particularly described herein, by borrowing from a commercial bank or other lender which is a "mortgagee" within the meaning of the MIDFA Act (the "Lender") a sum of money not to exceed \$1,000,000 (the "Loan"); and

WHEREAS, Section 13-140 of the MIDFA Act authorizes, among other things, a public body of the State of Maryland (the "State"), to borrow money without pledging its faith and credit in support of a loan made under the MIDFA Act and to execute a mortgage to secure the mortgage loan, for the purpose of defraying the cost of acquiring any industrial project approved by the Maryland Industrial Development Financing Authority ("MIDFA"); and

WHEREAS, Section 13-141 of the MIDFA Act provides that the funds to be borrowed by the public body shall be utilized in connection with a "bona fide industrial



project" as evidenced by a letter of intent or similar agreement between the prospective industrial project applicant and the public body borrowing the money; and

WHEREAS, Section 13-140 of the MIDFA Act provides that the public body of the State may borrow money to relend to an industrial project applicant under Section 13-151, and Section 13-151 of the MIDFA Act provides that, at its option, the industrial project applicant may be the mortgagor instead of the public body and give a mortgage to the mortgagee (as defined in the MIDFA Act) directly or to the public body to be assigned to the mortgagee; and

WHEREAS, at its December 16, 1980 meeting, MIDFA approved a mortgage loan for the Industrial Project and the partial insurance by MIDFA of the mortgage payments (as defined in the MIDFA Act); and

WHEREAS, the City has determined, based upon the findings and determinations hereinafter set forth, that it is in the best interests of the citizens of Baltimore City that the City accept the Letter of Intent and participate in the financing of the Industrial Project.

NOW, THEREFORE, PURSUANT TO AND IN ACCORDANCE WITH THE PROVISIONS OF THE MIDFA ACT:

SECTION 1. *Be it ordained by Mayor and City Council of Baltimore*, That it is hereby found and determined as follows:

(a) the financing of the acquisition of the Industrial Project will fulfill and accomplish the declared purposes of the MIDFA Act, which are to further industrial expansion in the State and discourage the relocation of industry outside the State, to increase employment, and to provide a larger taxable base for the economy of the State, resulting in new and expanded industrial enterprises to provide enlarged opportunities for gainful employment by the people of the State, and thus to insure the preservation and betterment of the economy of the State; and, accordingly, it is in the best interests of the citizens of Baltimore City that the City participate in the financing of the acquisition of the Industrial Project;

(b) the Industrial Project is an "industrial project," as defined in Section 13-101(g) of the MIDFA Act, and, as evidenced by the Letter of Intent, the funds to be borrowed by the City (to finance the acquisition (within the meaning of the Act) of the Industrial Project) will be utilized in connection with the acquisition (within the meaning of the MIDFA Act) of a "bona fide industrial project," as mentioned in Section 13-141(c)(2) of the MIDFA Act, for the use and benefit of the Partnership, a "prospective industrial project applicant," as mentioned in Section 13-141(c)(2) of the MIDFA Act, and the Lessee, an "industrial project occupant", as contemplated by the MIDFA Act; and

(c) MIDFA, at its December 16, 1980 meeting, approved a mortgage loan for the Industrial Project and the insurance by MIDFA of all or a portion of the mortgage payments; and

(d) the Partnership has exercised its option pursuant to Section 13-151 of the MIDFA Act to be a mortgagor (as defined in 13-101(1) of the MIDFA Act), and accordingly this Ordinance contemplates and authorizes a transaction in the form of a loan to the Partnership of proceeds of the Loan.

SEC. 2. *And be it further ordained*, That the City be and it is hereby fully authorized and empowered to borrow from the Lender a sum of money not to exceed \$1,000,000 (the "Loan") for a term of permanent amortization not to exceed twenty (20) years at an annual rate of interest which is at all times equal to seventy-one per cent (71%) of the fluctuating commercial prime rate of interest in effect at the Lender from time to time (the "Tax-Exempt Rate"); provided, however, that (a) on the date which is three years after the date on which the first payment of principal and interest is due and payable on the Loan, the Lender, in its sole and absolute discretion and by at least 30 days' prior written notice to the City and MIDFA, may adjust the Tax-Exempt Rate, for the remaining term of the Loan, to a rate based on either (i) the fluctuating commercial prime rate in effect at the Lender as of such date, (ii) the yield on certain United States Treasury Bonds as of such date, or (iii) the yield on certain United

States Treasury Bills as of such date, which adjusted rate must first be approved by the Partnership and the Board of Estimates of the City and may not exceed the yield on six-month United States Treasury Bills *minus* one-half per cent ( $1\frac{1}{2}\%$ ) per annum as of such date, and (b) on the date which is ten years after the date on which the first payment of principal and interest is due and payable on the Loan, the Lender, in its sole and absolute discretion and by at least 30 days' prior written notice to the City and MIDFA, may declare the maturity of the Loan to be accelerated, in which event the entire unpaid balance of the Loan, together with all accrued and unpaid interest thereon (at the applicable rate of interest) shall become due and payable on such date. In the event that it is at any time determined that the interest on the Loan is for any reason not exempt from federal income taxes, the rate of interest payable on the Loan shall be increased, retroactively and prospectively, to a rate of interest not to exceed the fluctuating commercial prime rate of interest in effect at the Lender from time to time *plus* one and one-half per cent ( $1\frac{1}{2}\%$ ) per annum. Interest shall be calculated on the basis of a 360-day year factor applied to actual days elapsed and shall be adjusted on any day on which a change occurs in the commercial prime rate of interest in effect at the Lender.

SEC. 3. *And be it further ordained*, That the City cause the proceeds of the Loan to be used for the purpose of defraying a portion of the costs of acquiring the Industrial Project, which Industrial Project will consist of (a) the acquisition of a certain tract of land containing approximately 3 acres and the improvements thereon, located in the Caton 95 Office Park in Baltimore City, Maryland (the "Land"), and (b) the construction on the Land of a building consisting of approximately 15,000 square feet (the "Building"), to be leased by the Partnership to the Lessee, 10,000 square feet of which will be used by the Lessee as its corporate headquarters. The remaining 5,000 square feet will initially be subleased by the Lessee to an eligible tenant and eventually be used by the Lessee as its need for space increases.



SEC. 4. *And be it further ordained*, That the City relend the proceeds of the Loan to the Partnership, which shall use the proceeds of the Loan for the sole purpose of defraying a portion of the cost of acquiring the Industrial Project and leasing the Industrial Project to the Lessee.

SEC. 5. *And be it further ordained*, That, as described generally in the Letter of Intent and as contemplated by the MIDFA Act:

(a) the Loan will be secured by a mortgage or deed of trust, or by an assignment of mortgage or deed of trust, covering the Industrial Project; but the City shall in no event pledge its faith and credit, and the Loan, and the interest thereon, will be repaid by the City solely from payments to be made by the Partnership to the City pursuant to the Loan Documents (hereinafter defined) and from any other sources approved by the City, agreed to by the Partnership and the Lender, and permitted by the MIDFA Act;

(b) the Partnership will make payments under the Loan Documents sufficient to pay (i) the principal of and interest on the Loan, (ii) all taxes and payments in lieu of taxes, and (iii) any expenses incurred by the City in connection with the administration of the Loan, all as the same become due and payable; and

(c) any costs of acquiring the Industrial Project in excess of the proceeds of the Loan will be paid by the Partnership.

SEC. 6. *And be it further ordained*, That the City will not incur any liability, direct or indirect, or any cost, direct or indirect, in connection with the aforesaid borrowing or relending or the acquisition of the Industrial Project, and the Industrial Project will be acquired so as to conform to the requirements of the Partnership and the Lessee; accordingly, the Partnership and the Lessee shall (i) select and work with the suppliers and contractors which will undertake the construction of the Building and will negotiate and approve all contracts, construction plans and specifications, and financing arrangements in connection with the acquisition of the Industrial Project, and

(ii) pay all necessary costs incurred by or on behalf of the City in connection with the aforesaid financing, including the administration thereof, and in connection with the acquisition of the Industrial Project, including (without limitation) all costs incurred in connection with the development of the appropriate legal documents necessary to effectuate the proposed financing and acquisition, including (without limitation) the fees of legal counsel and compensation to any other person (other than full-time employees of the City) performing services by or on behalf of the City in connection with the transactions contemplated by this Ordinance, whether or not the proposed financing and acquisition are consummated.

SEC. 7. *And be it further ordained*, That in connection with the borrowing and the acquisition described in this Ordinance, the Mayor and other appropriate officials of the City of Baltimore are hereby authorized and empowered:

(i) to accept the Letter of Intent in order to materially induce the Partnership to pursue the transactions described therein and to further evidence the present intention of the City to participate in the financing of the acquisition of the Industrial Project;

(ii) to execute and to accept such other documents, instruments and certificates as are necessary or appropriate to evidence and secure the obligation of the Partnership to make payments to the City sufficient to pay the principal of and interest on the Loan and to consummate the Loan and the acquisition of the Industrial Project, including, but not limited to, any and all leases, loan agreements, financing agreements, mortgages, deeds of trust, notes, assignments, security agreements, consolidation agreements, and any and all necessary financing statements, the form and substance of all of which (other than financing statements and other customary closing certificates and documents) shall be approved by the Board of Estimates as hereinafter provided. (All of such documents, instruments and certificates are herein collectively referred to as the "Loan Documents").

SEC. 8. *And be it further ordained*, That, notwithstanding anything contained in this Ordinance or in any document authorized herein to be executed, or the execution and delivery of any document authorized herein, neither the faith and credit nor the taxing power of the City shall be deemed to be pledged hereby, and the City shall at no time be required to exercise its taxing power in order to implement the transactions authorized hereby. Nothing contained in this Ordinance shall be deemed or construed in any way to create or constitute a debt of the City within the meaning of any constitutional, statutory or other debt limitation provision, or to constitute any act or purpose other than that contemplated by the MIDFA Act. Neither the Loan to be made to the City by the Lender nor the interest thereon shall ever constitute an indebtedness or a charge against the general credit or taxing powers of the City, within the meaning of any constitutional or charter provision or statutory limitation, and neither shall ever constitute or give rise to any pecuniary liability of the City.

SEC. 9. *And be it further ordained*, That the terms and provisions and form and substance of any and all documents and instruments to be executed or entered into by the City in connection with the transactions authorized by this Ordinance, other than customary closing certificates and documents and financing statements, shall be approved by the Board of Estimates of the City (the "Board") prior to the execution and delivery thereof by the Mayor of the City.

SEC. 10. *And be it further ordained*, That any and all necessary financing statements required for the consummation of the transactions authorized by this Ordinance may be executed on behalf of the City by the Mayor of the City or by the Chief, Bureau of Treasury Management of the City or by such other appropriate official of the City as may be designated by the Mayor of the City to execute such financing statements.

SEC. 11. *And be it further ordained*, That the Department of Housing and Community Development is hereby fully authorized and empowered, for the purpose of this Ordinance only:



(a) To promote, make investigations, conduct preliminary negotiations, and do any and all other things necessary and proper to expedite the consummation of the transactions authorized by this Ordinance, all pursuant and subject to the provisions of the Charter of Baltimore City; and

(b) After the transactions authorized by this Ordinance have been fully consummated, the Department of Housing and Community Development shall do any and all other things necessary, proper or expedient to assure the full performance by the Partnership of any and all of the terms and provisions in any and all agreements entered into between the City and the Partnership, all of which shall be subject to the provisions of the Charter of Baltimore City.

SEC. 12. *And be it further ordained*, That the Partnership shall agree, in the Loan Documents, that:

(a) It will submit any plans and specifications for the construction of the Building to the Department of Housing and Community Development for approval.

(b) It understands that, in addition to the economic feasibility of the acquisition of the Industrial Project, the Department of Housing and Community Development may consider, without limitation, the suitability of the site plan, architectural treatment, building plans, elevations, materials, color, construction details, access, parking, loading, landscaping, identification signs, exterior lighting, refuse collection details, streets, sidewalks, and harmony between the plans and the surroundings of the proposed Industrial Project; and that the Department of Housing and Community Development may refuse approval of any plans and specifications for aesthetic or functional reasons.

(c) It and its developers will work with the design advisory group appointed by the Department of Housing and Community Development in order to achieve high quality site, building, and landscape design.

SEC. 13. *And be it further ordained*, That the provisions of this Ordinance are severable, and if any provision, sentence, clause, section or part hereof is held illegal, invalid

or unconstitutional or inapplicable to any person or circumstances, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this Ordinance or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this Ordinance would have been passed if such illegal, invalid or unconstitutional provision, sentence, clause, section or part had not been included herein, and if the person or circumstances to which this Ordinance or any part hereof are inapplicable had been specifically exempted herefrom.

SEC. 14. *And be it further ordained*, That, if the Loan is not consummated within six months from the date on which this Ordinance is approved by the Mayor of the City, the authorization provided in this Ordinance for the City to borrow the Loan shall expire; provided, however, that the Board may, after a showing of good cause at a public hearing held before the Board, extend such authorization for one additional term not to exceed six months. The Board, in its sole discretion, shall determine the sufficiency, or lack thereof, of the reasons presented for any requested extension of this Ordinance. If an extension is granted, notice of such extension and the reasons therefor must be sent to the City Council.

SEC. 15. *And be it further ordained*, That this Ordinance is passed as official action by the City for the purpose of materially inducing the Partnership to pursue the transaction described in the Letter of Intent, and the Letter of Intent is to be accepted as further evidence of such official action.

SEC. 16. *And be it further ordained*, That this Ordinance shall take effect from the date of its passage.

Approved February 10, 1981.

WILLIAM DONALD SCHAEFER, *Mayor*.

## No. 232

(Council No. 184)

AN ORDINANCE concerning

REZONING—3600 WEST BELVEDERE AVENUE

FOR the purpose of changing the zoning for the property known as 3600 West Belvedere Avenue from the R-6 Zoning District to the ~~B-1-1~~ R-7 Zoning District, as outlined in red on the plats accompanying this ordinance.

BY amending Zoning District Maps

Sheet No. 12

Article 30—Zoning

Baltimore City Code (1976 Edition, as amended)

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That Sheet No. 12 of the Zoning District Maps of Article 30 of the Baltimore City Code (1976 Edition, as amended) title "Zoning" be and it is hereby amended by changing from the R-6 Zoning District to the ~~B-1-1~~ R-7 Zoning District the property known as 3600 West Belvedere Avenue as outlined in red on the plats accompanying this ordinance.

SEC. 2. *And be it further ordained*, That upon passage of this ordinance by the City Council, as evidence of the authenticity of the plat which is a part hereof and in order to give notice to the departments which are administering the Zoning Ordinance, the President of the City Council shall sign the plat and when the Mayor approves the ordinance, he shall sign the plat. The Director of Finance shall then transmit a copy of the ordinance and one of the plats to the following: the Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of the Department of Housing and Community Development and the Zoning Administrator.

SEC. 3. *And be it further ordained*, That this ordinance shall take effect thirty days from the date of its passage.

Approved February 20, 1981.

WILLIAM DONALD SCHAEFER, *Mayor*.



No. 233

(Council No. 447)

AN ORDINANCE concerning

## PARKING—RESERVED

FOR the purpose of providing for reserved parking on the east side of Lorena Avenue near Marbourne Avenue.

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That on the east side of Lorena Avenue from a point 253 feet north of Marbourne Avenue to a point 273 feet north of Marbourne Avenue, parking is reserved for Joseph Fastner.

SEC. 2. *And be it further ordained*, That this ordinance shall take effect on the date of its passage.

Approved February 20, 1981.

WILLIAM DONALD SCHAEFER, *Mayor*.

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No. 234

(Council No. 481)

AN ORDINANCE concerning

## TENURE OF CABLE TV COMMISSION

FOR the purpose of altering the tenure of the Baltimore City Cable Television Commission and requiring an interim report from the Commission.

BY amending

Article 1—Mayor, City Council, and Municipal Agencies

Subtitle—CATV Commission

Sections 182.5, 182.12(j) and 182.12(1)

Baltimore City Code (1976 Edition, as amended)

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That Sections 182.5, 182.12(j) and 182.12(1)

of Article 1 of the Baltimore City Code (1976 Edition, as amended) be and they are hereby amended to read as follows:

### CATV COMMISSION

#### 182.5 Commission—Tenure

The term of the members shall [be one year from the first meeting of the Commission] *expire on June 30, 1981.*

#### 182.12

(j) Submit to the Board of Estimates, the Mayor, and the City Council a report which outlines the activities of the CATV Commission and the development of CATV in Baltimore City. *An interim report shall be presented by February 16, 1981 and a final report shall be due on June 30, 1981.*

#### 182.12

(l) The Commission shall serve [for one year from the date of the first meeting of the Commission.] *until June 30, 1981.*

SEC. 2. *And be it further ordained,* That this ordinance shall take effect from the date of its passage.

Approved February 20, 1981.

WILLIAM DONALD SCHAEFER, *Mayor.*

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No. 235

(Council No. 136)

AN ORDINANCE concerning

REZONING—5201 HAMILTON AVENUE

FOR the purpose of changing the zoning for the property known as 5201 Hamilton Avenue from the B-2-1 Zoning

District to the B-3-1 Zoning District as outlined in red on the plats accompanying this ordinance.

BY amending Zoning District Maps

Sheet No. 30

Article 30—Zoning

Baltimore City Code (1976 Edition, as amended)

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That Sheet No. 30 of the Zoning District Maps of Article 30 of the Baltimore City Code (1976 Edition, as amended), title "Zoning" be and it is hereby amended by changing from the B-2-1 Zoning District to the B-3-1 Zoning District the property known as 5201 Hamilton Avenue, as outlined in red on the plats accompanying this ordinance.

SEC. 2. *And be it further ordained*, That upon passage of this ordinance by the City Council, as evidence of the authenticity of the plat which is a part hereof and in order to give notice to the departments which are administering the Zoning Ordinance, the President of the City Council shall sign the plat and when the Mayor approves the ordinance, he shall sign the plat. The Director of Finance shall then transmit a copy of the ordinance and one of the plats to the following: the Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of the Department of Housing and Community Development and the Zoning Administrator.

SEC. 3. *And be it further ordained*, That this ordinance shall take effect thirty days from the date of its passage.

Approved February 23, 1981.

WILLIAM DONALD SCHAEFER, *Mayor*.



## No. 236

(Council No. 301)

AN ORDINANCE concerning

## ADVERTISING SIGNS

FOR the purpose of providing the presence of an advertisement on a city owned structure constitutes prima facie evidence that it was placed there with the consent of the party whose name, business, location, or merchandise is advertised thereon.

BY adding to

Article 19—Police Ordinances

Subtitle—Advertising Signs

Section(s) 1 (c)

Baltimore City Code (1976 Edition, as amended)

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That section(s) of the Baltimore City Code (1976 Edition, as amended) be added, repealed, or amended, to read as follows:

## Article 19—Police Ordinances

## Advertising Signs

## 1. Advertising Signs.

(c) *For the purpose of enforcing this section, the presence of any advertisement, sign, notice, or other writing, other than a notice posted pursuant to law, upon the public right of way ~~or~~, upon a city-owned building or structure, UPON ANY BRIDGEWAY OVER OR UTILITY POLE IN THE PUBLIC RIGHT OF WAY, OR UPON ANY PROPERTY PROVIDED FOR THE CONVENIENCE OF PASSENGERS IN A TRANSIT LOADING ZONE, constitutes prima facie evidence that it was printed, placed, fixed or erected at the direction of, or with the consent and approval of, the party or his agent or representative in the City whose name, business, location, or merchandise is advertised thereon.*

SEC. 2. *And be it further ordained*, That this ordinance shall take effect 30 days from the date of its passage.

Approved February 23, 1981.

WILLIAM DONALD SCHAEFER, *Mayor*.

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No. 237

(Council No. 306)

AN ORDINANCE concerning

ENERGY COSTS OF CITY AGENCIES

FOR the purpose of requiring the amount and cost of energy used by each agency to be stated in the ~~MATERIAL ACCOMPANYING EACH PROPOSED ordinance of estimates~~ AN ANNUAL ACCOUNTING.

BY adding to

Article 1—Mayor, City Council and Municipal Agencies

Section 164A—Energy Costs

Baltimore City Code (1976 Edition, as amended)

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That new Section 164A be and it is hereby added to Article 1 of the Baltimore City Code (1976 Edition, as amended), title “Mayor, City Council and Municipal Agencies”, subtitle “Energy Costs”, and to read as follows:

Energy Costs

*164A. To appear in budget*

*In addition to the material that is required to accompany each proposed ordinance of estimates that is specified in Section 2 of Article VI of the Charter of Baltimore City (1964 Revision, as amended), the Department of Finance shall provide an energy consumption item for each city agency ON OR BEFORE JANUARY 1 OF EVERY YEAR EACH CITY AGENCY SHALL PROVIDE THE DEPARTMENT OF FINANCE WITH AN ENERGY CON-*

~~SUMPTION ITEM WHICH SHALL BE INCLUDED IN THE MATERIAL.~~ This item shall state the amount budgeted for energy consumption in the current fiscal year and the amount budgeted for the next fiscal year. The amounts shall be stated in the units of energy as billed by the sources, such as gallons, kilowatt-hours or therms; the energy equivalent per year in the International System of Units (joules per year) or BTUs by each energy source; the cost of each type of energy; and the total cost of energy for each agency. THIS INFORMATION SHALL BE TRANSMITTED TO THE CITY COUNCIL ON OR BEFORE MARCH 1 OF THE SAME YEAR.

SEC. 2. And be it further ordained, That this ordinance shall take effect thirty days from the date of its passage.

Approved February 24, 1981.

WILLIAM DONALD SCHAEFER, *Mayor*.

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No. 238

(Council No. 429)

AN ORDINANCE concerning

PENSION SYSTEM INVESTMENTS

FOR the purposes of permitting the Board of Trustees of the Employees' Retirement System and Fire and Police Employees' Retirement System to invest certain cash reserves in Short Term Investment Funds.

BY adding to

Article 22—Retirement Systems

Subtitle—Employees' Retirement System

Section—7(a) (11) Baltimore City Code (1976 Edition as amended)

BY adding to

Article 22—Retirement Systems

Subtitle—Fire and Police Employees

Section—35(a) (11)

Baltimore City Code (1976 Edition as amended)



SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore, That new sub-paragraph (11) be and it is hereby added to Section 7(a) of the Baltimore City Code (1976 Edition, as amended), title "Retirement Systems," subtitle "Employees' Retirement System," to read as follows:*

*(11) Short Term Investment Funds, of which the designated custodian of the assets of the Employees' Retirement System is manager and/or trustee, invested or reinvested as a part of the commingled fund in bonds, notes or other evidences of indebtedness which are payable on demand (including variable amount notes) or which have a maturity date not exceeding ninety-one days from the date of purchase; provided, however, that the Trustees of the Retirement System may invest and reinvest up to, but not more than, 20% of any eligible funds at any time forming any part of the commingled fund in bonds, notes or other evidences of indebtedness having a maturity date exceeding ninety-one days from the date of purchase; and further provided that the investment in such short term investment funds shall be limited to the uninvested cash reserves temporarily held by the custodian.*

SEC. 2. *And be it further ordained, That new sub-paragraph (11) be and it is hereby added to Section 35(a) of the Baltimore City Code (1976 Edition, as amended) title "Retirement Systems" subtitle "Fire and Police Employees," to read as follows:*

*(11) Short Term Investment Funds, of which the designated custodian of the assets of the Fire and Police Employees' Retirement System is manager and/or trustee, invested or reinvested as a part of the commingled fund in bonds, notes or other evidences of indebtedness which are payable on demand (including variable amount notes) or which have a maturity date not exceeding ninety-one days from the date of purchase; provided, however, that the Trustees of the Retirement System may invest and reinvest up to, but not more than, 20% of any eligible funds at any time forming any part of the commingled fund in bonds, notes or other evidences of indebtedness having a maturity date exceeding ninety-one days from the date of purchase; and further provided that the investment*

*in such short term investment funds shall be limited to the uninvested cash reserves temporarily held by the custodian.*

SEC. 3. *And be it further ordained, That this ordinance shall take effect from the date of its passage.*

Approved February 26, 1981.

WILLIAM DONALD SCHAEFER, *Mayor.*

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No. 239

(Council No. 332)

AN ORDINANCE concerning

**RADIOS AND SOUND DEVICES**

**FOR** the purpose of prohibiting the use of any sound device on or adjacent to a public place for commercial purposes, requiring a permit from the Director of Finance to use a sound device in a public place, prohibiting the use of a sound device at certain places and times, providing for free permits to governmental agencies, exempting churches and synagogues, and providing penalties.

**BY** repealing

Article 19—Police Ordinances

Sections 131 and 131A—Radios

Baltimore City Code (1976 Edition, as amended)

**BY** adding

Article 19—Police Ordinances

Section 131—Radios and Sound Devices

Baltimore City Code (1976 Edition, as amended)

Section 1. *Be it ordained by the Mayor and City Council of Baltimore, That Sections 131 and 131A of Article 19 of the Baltimore City Code (1976 Edition, as amended) title "Police Ordinances", subtitle "Radios" be and they are hereby repealed;*

**[RADIOS****131. Use on mass transit vehicle.**

It is unlawful for any person who is a passenger or rider upon any public passenger motor bus, streetcar or other mass transit vehicle to operate and to make audible sounds with any radio, transistor radio, or other electronic equipment or device. Any person violating the provisions of this section is guilty of a misdemeanor and upon conviction thereof shall be subject to a fine not exceeding ten dollars (\$10) for each such violation.

**131A. Use in residential areas.**

(a) It is unlawful for any person to use, operate or permit to be played, used or operated any radio, musical instrument, phonograph or other machine or device for the producing or reproducing of sound outside the confines of a dwelling or a motor vehicle in a residential area between the hours of 11 p.m. and 7 a.m. The operation of any such set, instrument, phonograph, machine or device outside the confines of a dwelling or a motor vehicle in such a manner as to be plainly audible at a distance of 50 feet from the device shall be prima facie evidence of a violation of this section.

(b) Any person violating any provisions of this section is guilty of a misdemeanor and upon conviction thereof shall be subject to a fine not exceeding one hundred dollars (\$100) for each such violation.

(c) The provisions of this section shall not apply to sound equipment used at Memorial Stadium, to city-sponsored events in public parks, or to federal, state, or local governmental agencies or public service companies as defined in Article 78 of the Annotated Code of Maryland. ]

Sec. 2. *And be it further ordained,* That new Section 131 is hereby added to Article 19 of the Baltimore City Code (1976 Edition, as amended), title "Police Ordinances", to come under the new subtitle "Radios and Sound Devices", and to read as follows:



## **RADIOS AND SOUND DEVICES**

### **131. Regulation.**

#### **(a) Legislative findings.**

It is hereby declared that the use or operation of any radio device or apparatus or any device or apparatus for the amplification of sounds from any radio, phonograph or other sound-making or sound-producing device, or any device or apparatus for the reproduction or amplification of the human voice or other sounds, in front of or outside of any building, place or premises, or in or through any window, doorway or opening of such building, place or premises, abutting or adjacent to a public street, park or place, or in or upon any vehicle operated, standing or being in or upon any public street, park or place where the sounds therefrom may be heard upon any public street, park or place, or from any stand, platform or other structure, or from any airplane or other device used for flying, flying over the city, or on a boat or on the waters within the jurisdiction of the city, or anywhere on or in the public streets, parks or places, is detrimental to the health, welfare and safety of the inhabitants of the city, in that such use or operation diverts the attention of pedestrians and vehicle operators in the public streets, parks and places, thus increasing traffic hazards and causing injury to life and limb. It is hereby further declared that such use or operation disturbs the public peace and comfort and the peaceful enjoyment by the people of their rights to use the public streets, parks and places for street, park and other public purposes and disturbs the peace, quiet and comfort of the neighboring inhabitants. Therefore, it is hereby declared as a matter of legislative determination that the prohibition of such use or operation for commercial or business advertising purposes and the proper regulation of such use and operation for all other purposes is essential to protect the health, welfare and safety of the inhabitants of the city, to secure the health, safety, comfort, convenience, and peaceful enjoyment by the people of their rights to use the public streets, parks and places for street, park and other public purposes and to secure the peace, quiet and comfort of the city's inhabitants. It is hereby further declared as a matter of legislative deter-

mination that the expense of supervising and regulating the use and operation of such sound devices and apparatus for purposes other than commercial and business advertising purposes should be borne by the persons using or operating such devices and apparatus and that the requirement of a nominal fee for the issuance of a permit for such use and operation as hereinafter prescribed is intended to defray the expenses of regulating such use or operation for the health, welfare and safety of all the people.

*(b) Definitions. As used in this section:*

1. The term "sound device or apparatus" shall mean any radio device or apparatus, or any device or apparatus for the amplification of any sounds from any radio, phonograph, or other sound-making or sound-producing device, or any device or apparatus for the reproduction or amplification of the human voice or other sounds;

2. The phrase "to use or operate any sound device or apparatus in, on, near, or adjacent to any public street, park or place," shall mean to use or operate or cause to be used or operated any sound device or apparatus in front or outside of any building, place or premises, or in or through any window, doorway or opening of such building, place or premises, abutting on or adjacent to a public street, park or place, or in or upon any vehicle operated, standing or being in or on any public street, park or place, where the sounds therefrom may be heard upon any public street, park or place, or from any stand, platform or other structure, or from any other airplane or other device used for flying, flying over the city, or on a boat or on the waters within the jurisdiction of the city, or anywhere on the public streets, parks or places.

*(c) Use and operation of the sound devices and apparatus for commercial and business advertising purposes. It shall be unlawful for any person to use or operate any sound device or apparatus in, on, near or adjacent to any public street, park or place, for commercial and business advertising purpose.*

*(d) Use and operation of sound devices and apparatus for other than commercial and business advertising purposes; permit required. It shall be unlawful for any person*



to use or operate any sound device or apparatus, in, on, near or adjacent to any public street, park or place, unless he shall have first obtained a permit to be issued by the Director of Finance in the manner hereinafter prescribed and unless he shall comply with the provisions of this section and the terms and conditions prescribed in such permit.

(e) *Applications.*—Each applicant for a permit to use or operate a sound device or apparatus in, on, near or adjacent to any public street, park or place shall file a written application with the Director of Finance at least five days prior to the date upon which such sound device or apparatus is to be used or operated. Such application shall describe the specific location in which such sound device or apparatus is proposed to be used or operated, the day and the hour or hours during which it is proposed to be used or operated, the volume of sound which is proposed to be used measured by decibels or by any other efficient method of measuring sound, and such other pertinent information as the Director of Finance may deem necessary to enable him to carry out the provisions of this section.

(f) *Issuance of permit; terms.*—The Director of Finance shall not deny a permit for any specific time, location or use, to any applicant who complies with the provisions of this section, except for one or more of the reasons specified in subdivision (g) hereof, or for non-payment of the fee prescribed in subdivision (h) hereof, or to prevent over lapping in the granting of permits. Each permit issued pursuant to this section shall describe the specific location in which such sound device or apparatus may be used or operated thereunder, the exact period of time for which such apparatus or device may be operated in such location, the maximum volume of sound which may be employed in such use or operation and such other terms and conditions as may be necessary, for the purpose of securing the health, safety, comfort, convenience and peaceful enjoyment by the people of their right to use the public streets, parks or places for street, park or other public purposes, protecting the health, welfare and safety of the inhabitants of the city, and securing the peace, quiet and comfort of the neighboring inhabitants.



*(g) Special restrictions.—The Director of Finance shall not issue any permit for the use of a sound device or apparatus:*

*1. In any location within five hundred feet of a school, courthouse or church, during the hours of school, court or worship, respectively, or within five hundred feet of any hospital or similar institutions;*

*2. In any location where the Director of Finance upon investigation, shall determine that the conditions of vehicular or pedestrian traffic or both are such that the use of such a device or apparatus will constitute a threat to the safety of pedestrians or vehicular operators;*

*3. In any location where the Director of Finance upon investigation, shall determine that conditions of overcrowding or of street repair or other physical conditions are such that the use of a sound device or apparatus will deprive the public of the right of the safe, comfortable, convenient and peaceful enjoyment of any public street, park or place for street, park or other public purposes, or will constitute a threat to the safety of pedestrians or vehicle operators;*

*4. In or on any vehicle or other device while it is in transit; or*

*5. Between the hours of ten p.m. and nine a.m.*

*(h) Fees—Each applicant for a permit issued under the provisions of this section shall pay a fee of five dollars for the use of each sound device or apparatus for each day, provided, however, that permits for the use of such sound devices or apparatus shall be issued to any bureau, commission, board or department of the United States government, the state of Maryland and the city of Baltimore without fee.*

*(i) The provisions of this section shall not apply to the use or operation of any sound device or apparatus by any church or synagogue on or within its own premises, in connection with the religious rites or ceremonies of such church or synagogue or to public service companies as defined in Article 78 of the Annotated Code of Maryland.*

*(j) Violations—Any person who shall violate any provision of this section, upon conviction thereof, shall be punished by a fine of not more than twenty-five dollars or imprisonment for thirty days, or both.*

*(k) Rules and regulations—The Director of Finance shall have the power to make such rules and regulations as may be necessary to carry out the provisions of this section.*

Sec. 3. *And be it further ordained, That in the event it be judicially determined that any word, phrase, clause, sentence, paragraph, section or part in or of this ordinance or the application thereof to any person or circumstances is invalid, the remaining provisions and the application of such provisions to other persons or circumstances shall not be affected thereby, the Mayor and City Council hereby declaring that they would have ordained the remaining provisions of this ordinance without the word, phrase, clause, sentence, paragraph, section or part or the application thereof so held invalid.*

Sec. 4. *And be it further ordained, That this ordinance shall take effect thirty days from the date of its passage.*

## LOUD AND DISTURBING NOISES

FOR THE PURPOSE OF PROHIBITING LOUD AND DISTURBING NOISES, PROVIDING FOR TEMPORARY EXEMPTION BY PERMIT, AND PROVIDING PENALTIES.

BY ADDING

ARTICLE 19—POLICE ORDINANCES

SECTION 58A—LOUD AND DISTURBING NOISES

BALTIMORE CITY CODE (1976 EDITION, AS AMENDED)

SECTION 1. *BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, THAT NEW SECTION 58A BE AND IT IS HEREBY ADDED TO ARTICLE 19 OF THE BALTIMORE CITY CODE (1976 EDITION, AS AMENDED), TITLE "POLICE ORDINANCES", TO COME UNDER THE NEW SUBTITLE "LOUD AND DISTURBING NOISES" AND TO READ AS FOLLOWS:*

## LOUD AND DISTURBING NOISES

58A. LOUD AND UNNATURAL NOISES  
PROHIBITED.

(A) IT SHALL BE UNLAWFUL FOR ANY PERSON TO MAKE, CONTINUE OR CAUSE TO BE MADE OR CONTINUED ANY LOUD, UNNATURAL OR UNUSUAL NOISE OR ANY NOISE WHICH EITHER ANNOYS, DISTURBS, INJURES OR ENDANGERS THE COMFORT, REPOSE, HEALTH, PEACE OR SAFETY OF OTHERS WITHIN THE LIMITS OF THE CITY.

## (B) PROHIBITED NOISES ENUMERATED.

THE FOLLOWING ACTS AMONG OTHERS ARE HEREBY DECLARED TO BE LOUD, DISTURBING AND ANNOYING NOISES IN VIOLATION OF THIS ARTICLE:

(1) THE SOUNDING OF ANY HORN OR SIGNALING DEVICE ON ANY AUTOMOBILE, MOTORCYCLE OR OTHER VEHICLE ON ANY STREET, WAY, AVENUE OR ALLEY OR OTHER PUBLIC PLACE EXCEPT AS A DANGER WARNING; THE CREATION BY MEANS OF ANY SUCH SIGNALING DEVICE OF ANY UNREASONABLY LOUD OR HARSH SOUND; THE SOUNDING OF ANY SUCH DEVICE FOR AN UNNECESSARY OR UNREASONABLE LENGTH OF TIME; THE USE OF ANY SIGNALING DEVICE EXCEPT ONE OPERATED BY HAND OR ELECTRICITY; THE USE OF ANY HORN, WHISTLE OR OTHER DEVICE OPERATED BY ENGINE EXHAUST; AND THE USE OF ANY SUCH SIGNALING DEVICE WHEN TRAFFIC IS FOR ANY REASON HELD UP.

(2) THE USING, OPERATING OR PERMITTING TO BE PLAYED, USED OR OPERATED OF ANY RADIO RECEIVING SET, MUSICAL INSTRUMENT, PHONOGRAPH OR OTHER MACHINE OR DEVICE FOR PRODUCING OR REPRODUCING OF SOUND IN A SUCH MANNER AS TO DISTURB THE PEACE, QUIET AND COMFORT OF OTHER PERSONS OR AT ANY TIME WITH LOUDER VOLUME THAN IS NECESSARY FOR CONVENIENT HEARING FOR THE PER-



SON OR PERSONS WHO ARE IN THE IMMEDIATE VICINITY, VEHICLE OR CHAMBER IN WHICH SUCH MACHINE OR DEVICE IS OPERATED AND WHO ARE VOLUNTARY LISTENERS THERETO. THE OPERATION OF ANY SUCH SET, INSTRUMENT, PHONOGRAPH, MACHINE OR DEVICE IN SUCH A MANNER AS TO BE PLAINLY AUDIBLE AT A DISTANCE OF FIFTY (50) FEET FROM THE DEVICE, BUILDING, STRUCTURE OR VEHICLE IN WHICH THE NOISE IS GENERATED SHALL BE PRIMA FACIE EVIDENCE OF A VIOLATION.

(3) YELLING, SHOUTING, HOOTING, OR WHISTLING OR SINGING AT ANY TIME OR PLACE SO AS TO ANNOY OR DISTURB THE QUIET, COMFORT OR REPOSE OF PERSONS IN ANY DWELLING, HOTEL OR OTHER TYPE OF RESIDENCE OF ANY PERSONS IN THE VICINITY.

(C) A PERMIT FOR A TEMPORARY EXEMPTION FROM THE PROVISIONS OF THIS SECTION MAY BE ISSUED BY THE DIRECTOR OF FINANCE FOR COMMERCIAL, POLITICAL AND COMMUNITY ACTIVITIES. EACH APPLICATION FOR SUCH PERMIT SHALL BE ADDRESSED TO THE DIRECTOR, ACCOMPANIED BY A FEE OF \$10.00, AND SHALL SET FORTH THE DATE AND THE HOURS BETWEEN WHICH SUCH USE IS TO BE MADE, THE NATURE OF THE MECHANICAL DEVICE TO BE EMPLOYED FOR SUCH PURPOSE AND THE PERSON TO BE IN CHARGE OF THE OPERATION THEREOF.

(D) ANY PERSON VIOLATING ANY PROVISION OF THIS SECTION IS GUILTY OF A MISDEMEANOR AND UPON CONVICTION THEREOF SHALL BE PUNISHED BY A FINE OF NOT MORE THAN \$25 OR IMPRISONMENT FOR THIRTY DAYS OR BOTH.

(E) THE PROVISIONS OF THIS SECTION SHALL NOT APPLY TO SOUND EQUIPMENT USED AT MEMORIAL STADIUM, TO CITY-SPONSORED EVENTS IN PUBLIC PARKS, OR TO FEDERAL, STATE OR LOCAL GOVERNMENTAL AGENCIES OR PUBLIC SERVICE COMPANIES AS DEFINED IN AR-

## TICLE 78 OF THE ANNOTATED CODE OF MARYLAND.

SEC. 2. *AND BE IT FURTHER ORDAINED, THAT THIS ORDINANCE SHALL TAKE EFFECT THIRTY DAYS FROM THE DATE OF ITS PASSAGE.*

Approved March 2, 1981.

WILLIAM DONALD SCHAEFER, *Mayor.*

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No. 240

(Council No. 343)

AN ORDINANCE concerning

## MARYLAND INSTITUTE SCHOLARSHIPS

FOR the purpose of authorizing the appointment of part-time students; deleting the provision relating to four-year appointments; and deleting the March 1 final date for submission of the amount of funds needed by the Institute for the appointed students.

BY repealing and reordaining, with amendments

Article 24—Schools

Sections 9 and 11

Baltimore City Code (1976 Edition, as amended)

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore, That section(s) of Article 24 of the Baltimore City Code (1976 Edition, as amended), title "Schools", subtitle "Maryland Institute", be repealed or amended to read as follows:*

9. Scholarships.

(a) Number. Such number of [students shall be instructed] *full tuition scholarships* in this program [as] *shall* equal [s] the number of the members of the City Council of Baltimore, *its President*, plus the Mayor of Baltimore, and plus the number of fully accredited high

schools in Baltimore City. Prior to the first day of September in every [fourth] year, each member of the City Council of Baltimore and its President and the Mayor of Baltimore may *each* [appoint one student] *apportion one full tuition scholarship among one or more students to the Maryland Institute [.] . [and] Also, the Board of School Commissioners may appoint one student from each of the accredited high schools in Baltimore City [.] . [all of whom shall be entitled to instruction for four years] Each student who receives all or a portion of a full tuition scholarship shall be entitled to such scholarship for instruction and materials for one academic year (two semesters) in the Day School of the Institute, provided [they meet] each meets the requirements of the Institute that are required of other pupils taking similar courses.*

[ (b) Same; Night School, Saturday. Prior to the first day of September in any year other than that specified in subsection (a), any member of the City Council, its President, or the Mayor, if he has no appointment for a full term, may appoint one pupil to the Maryland Institute, who shall be entitled to instruction for four years in the Night School, or he may appoint two pupils who shall be entitled to instruction for four years in the Saturday School; or he may have any combination thereof in the same two to one ratio, provided each appointee meets the requirements of the Institute for such students. ]

(b) *Same. Continuing Studies classes. Each member of the City Council, its President and Mayor may, in addition to the scholarships provided for in Section 9a, allocate three tuition scholarships each year in the Continuing Studies division of the Institute to one or more students for instruction and materials provided each appointee meets the requirements of the Institute for such students.*

(c) *Appointment; reappointment. Any appointment provided for in this section may be a new appointment or may be a reappointment, in the discretion of the appointing official.*

[ (c) ] (d) *Vacancy. In case of a vacancy for any reason among any such appointments, the President of the Institute promptly shall notify the person entitled to make any such appointment, who is then entitled to fill the vacancy*



[.] *by awarding the scholarship to another applicant who meets the qualifications of the Institute.*

11. Amount for budget.

The President of the Institute [ , not later than March 1,] annually shall submit to the Director of Finance for inclusion in the preliminary operating budget of the next ensuing fiscal year an amount for tuition to the Institute computed from the number of appointments [and the regular charges provided for other students taking similar courses] *provided for in Section 9.*

SEC. 2. *And be it further ordained, That this ordinance shall take effect thirty days from the date of its passage.*

Approved March 2, 1981.

WILLIAM DONALD SCHAEFER, *Mayor.*

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No. 241

(Council No. 387)

AN ORDINANCE concerning

REZONING—WASHINGTON BOULEVARD  
URBAN RENEWAL AREA

FOR the purpose of changing the zoning as follows:

- (1) from the B-2-3 to the B-2-3-P zoning district, as outlined in red on the plat accompanying this ordinance:

806 Carroll Street (portion only—formerly known as 510, 512, and 514 Scott Street)

- (2) from the R-9 to the B-2-3-P zoning district, as outlined in blue on the plat accompanying this ordinance:

806 Carroll Street (remaining portion—formerly known as: 810, 808, 804, 802 Carroll Street and rear of 815 Washington Blvd.)

BY amending the Zoning District Maps:

Sheets 55 and 65

Article 30—Zoning

Baltimore City Code (1976 Edition, as amended)

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That Sheets 55 and 65 of the Zoning District Maps of Article 30 of the Baltimore City Code (1976 Edition, as amended), titled "Zoning", be and they are hereby amended by changing:

- (1) from the B-2-3 to the B-2-3-P zoning district, as outlined in red on the plat accompanying this ordinance:  
806 Carroll Street (portion only—formerly known as 510, 512, and 514 Scott Street)
- (2) from the R-9 to the B-2-3-P zoning district, as outlined in blue on the plat accompanying this ordinance:  
806 Carroll Street (remaining portion — formerly known as: 810, 808, 804, 802 Carroll Street, and rear of 815 Washington Boulevard)

SEC. 2. *And be it further ordained*, That upon passage of this ordinance by the City Council, as evidence of the authenticity of the plat which is part hereof and in order to give notice to the departments which are administering the Zoning Ordinance, the President of the City Council shall sign the plat, and when the Mayor approves the ordinance he shall sign the plat. The Director of Finance shall then transmit a copy of the ordinance and one of the plats to the following: the Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of the Department of Housing and Community Development and the Zoning Administrator.

SEC. 3. *And be it further ordained*, That this ordinance shall take effect from the date of its passage.

Approved March 2, 1981.

WILLIAM DONALD SCHAEFER, *Mayor*.

No. 242

(Council No. 388)

AN ORDINANCE concerning

ZONING—APPROVAL FOR CONDITIONAL  
USE—OFF-STREET PARKING

FOR the purpose of granting permission for the establishment, maintenance and operation of an open off-street parking area in a B-2-3-P zoning district of the Washington Boulevard Urban Renewal Area, on the property known as 806 Carroll St., as outlined in red on the plat accompanying this ordinance.

BY authority of

Article 30—Zoning

Sections 6.2-1d and 11.06-d

Baltimore City Code (1976 Edition, as amended)

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That permission is hereby granted for the establishment, maintenance and operation of an open off-street parking area in a B-2-3-P zoning district of the Washington Blvd. Urban Renewal Area, on the property known as 806 Carroll Street, as outlined in red on the plat accompanying this ordinance, pursuant to Sections 6.2-1d and 11.06-d of Article 30 of the Baltimore City Code (1976 Edition, as amended), titled "Zoning".

SEC. 2. *And be it further ordained*, That upon passage of this ordinance by the City Council, as evidence of the authenticity of the plat which is a part hereof and in order to give notice to the departments which are administering the Zoning Ordinance, the President of the City Council shall sign the plat. The Director of Finance shall then transmit a copy of the ordinance and one of the plats to the following: the Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of the Department of Housing and Community Development, and the Zoning Administrator.

SEC. 3. *And be it further ordained*, That this ordinance shall take effect from the date of its passage.

Approved March 2, 1981.

WILLIAM DONALD SCHAEFER, *Mayor*.



## No. 243

(Council No. 411)

AN ORDINANCE concerning

SUPPLEMENTARY APPROPRIATION—  
DEPARTMENT OF HOUSING AND  
COMMUNITY DEVELOPMENT

FOR the purpose of providing a supplementary special fund appropriation in the amount of NOT TO EXCEED Fifteen Million Twenty Six Thousand Dollars (\$15,026,000) to the Department of Housing and Community Development to be used for an industrial expansion action project at the General Motors Assembly plant located on Holabird Avenue in Southeast Baltimore.

BY authority of

Article VI—Board of Estimates

Section 2(h) (2)

Baltimore City Charter (1964 Revision as amended)

WHEREAS, the money appropriated herein represents a grant from a public source which could not be expected with reasonable certainty at the time of formulation of the fiscal 1981 Ordinance of Estimates; and

WHEREAS, the supplementary special fund appropriation ordained herein has been recommended to the City Council by the Board of Estimates, the said recommendation having been made at a regular meeting of said Board held on the 8th day of October, 1980, all in accordance with Article VI, Section 2(h) (2) of the Baltimore City Charter (1964 Revision as amended).

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That under the provisions of Article VI, Section 2(h) (2) of the 1964 revision of the Charter of Baltimore City, the sum of NOT TO EXCEED Fifteen Million Twenty Six Thousand Dollars (\$15,026,000) shall be made available to the Department of Housing and Community Development of the City of Baltimore as a supplementary special fund appropriation for the fiscal year ending June 30, 1981 for the purpose of providing an

industrial expansion action project at the General Motors Assembly plant located on Holabird Avenue in Southeast Baltimore. The amount thus made available as a supplementary special fund appropriation shall be expended from a grant of funds to the Mayor and City Council of Baltimore by the U.S. Department of Housing and Urban Development in Urban Development Action Grant funds said sum being specifically allotted to the Mayor and City Council of Baltimore for the aforesaid purpose; and said funds from said U.S. Department of Housing and Urban Development shall be the source of revenue for this supplementary special fund appropriation, as required by Article VI, Section 2 of the Baltimore City Charter (1964 Revision as amended).

SEC. 2. *And be it further ordained*, That this ordinance shall take effect from the date of its passage.

Approved March 2, 1981.

WILLIAM DONALD SCHAEFER, *Mayor*.

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No. 244

(Council No. 430)

AN ORDINANCE concerning

METROPOLITAN DISTRICT EXTENSION

FOR the purpose of consenting to and approving a Petition for the Extension of the Metropolitan District of Baltimore County to a tract of land comprising approximately 35.54 acres in the Second Election District in the vicinity of Deer Park Road and in accordance with the provisions of Chapter 539 of the Acts of the General Assembly of Maryland of 1924, as amended by Chapter 515 of the Acts of 1955.

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That the Petition for the Extension of the Metropolitan District of Baltimore County to a tract of land

in the Second Election District of Baltimore County in the vicinity of Deer Park Road, more particularly shown on a plat filed in the Department of Public Works of Baltimore County numbered 79-0002, is in accordance with the authority granted by Chapter 539 of the Acts of the General Assembly of Maryland of 1924, and amended by Chapter 515 of the Acts of 1955 hereby consented to and approved.

SEC. 2. *And be it further ordained*, That this ordinance shall take effect from the date of its passage.

Approved March 2, 1981.

WILLIAM DONALD SCHAEFER, *Mayor*.

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No. 245

(Council No. 441)

AN ORDINANCE concerning

FRANCHISE—BALTIMORE GAS AND  
ELECTRIC COMPANY VAULT

FOR the purpose of granting permission and authority to Baltimore Gas and Electric Company, a body corporate, to maintain and operate a reinforced concrete access vault in and under the northwest side of Front Street approximately 195 feet southwest of the southwest building line of Forrest Street.

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That permission and authority be and the same are hereby granted to the Baltimore Gas and Electric Company, a body corporate, its successors and assigns, hereinafter referred to as the Grantee, to maintain and operate, at its own cost and expense, for a period not exceeding 25 years, a reinforced concrete access vault, with a removable slab; the access vault to be approximately 8 feet 4 inches wide by 11 feet long and approximately 13 feet deep (all outside dimensions); the center line of said access vault shall be located in and under the north-



west side of Front Street adjacent to the northwest building line thereof, approximately 195 feet southwest of the southwest building line of Forrest Street.

SEC. 2. *And be it further ordained*, That the said Grantee, its successors and assigns, shall pay to the said Mayor and City Council of Baltimore, as compensation for the franchise or privilege hereby granted the sum of \$91.63 per year, payable in advance during the continuance of this franchise or privilege, or any renewal thereof; and subject to the increase or decrease of this charge as provided in Section 3 herein.

SEC. 3. *And be it further ordained*, That the Mayor and City Council of Baltimore hereby expressly reserves the right and power, at all times, to exercise, in the interest of the public, full municipal superintendence, regulation and control in respect to all matters connected with this grant and not inconsistent with the terms hereof. The franchise herein granted shall be held, exercised and enjoyed for a period of one year from the effective date of this ordinance, with the further right to the Grantee to twenty-four (24) consecutive one year renewals of the franchise, each such renewal to be for a period of one year, upon the same terms and conditions as the original one year grant, except as otherwise provided herein. Each one year renewal period shall take effect immediately upon the expiration of the original or renewal term then in force, without any action being taken on behalf of either the Mayor and City Council of Baltimore or the Grantee, but the total period of time during which the franchise shall operate, including the original term and all renewals thereof, shall not exceed, in the aggregate twenty-five years. Provided, that the Mayor and City Council of Baltimore, acting by and through the Board of Estimates, may increase or decrease the franchise charge payable by the Grantee under the provisions hereof, by giving written notice to that effect to the Grantee at least one hundred and fifty (150) days prior to the expiration of the original one year term granted herein, or any yearly renewal term herein granted and then in effect; any such increase or decrease of said franchise charge to be operative as to all yearly renewal terms herein granted which become effec-

tive after any increase or decrease in said franchise charge has occurred. Provided, further, that either the Mayor and City Council of Baltimore, acting by and through the Director of Public Works, or the Grantee may terminate the franchise granted herein, by giving written notice to that effect to the other, at least ninety (90) days prior to the expiration of the original one year term granted herein or any one year term herein granted and then in effect.

SEC. 4. *And be it further ordained*, That the said Grantee, its successors and assigns, shall maintain the vault for which the franchise is herein granted in good condition throughout the full term of this grant and so long as said structure shall exist at the location described herein.

SEC. 5. *And be it further ordained*, That non-compliance with any of the terms or conditions of the grant hereby made by the said Grantee, its successors and assigns, at any time or times, shall, at the option of the Mayor and City Council of Baltimore, operate as a forfeiture of said grant, which shall thereupon be and become void.

SEC. 6. *And be it further ordained*, That the Mayor of Baltimore City shall have the right to revoke without prior notice, at any time or times, the rights and privileges hereby granted when, in his judgment, the public interest, welfare, safety, or convenience requires such revocation and, upon written notice to that effect from the Mayor of Baltimore served upon the Grantee hereunder, its successors and assigns, all rights under this Ordinance shall cease and terminate.

SEC. 7. *And be it further ordained*, That in the event of any revocation, forfeiture or termination for any reason whatsoever of the rights and privileges by this ordinance granted, the said Grantee hereunder, its successors and assigns, shall, at its or their expense, remove the improvements to the vault for which the franchise is herein granted in a manner satisfactory to the Housing Commissioner, Department of Housing and Community Development, and the Director of Public Works of Baltimore City; such removal to be made without any compensation to the Grantee, its successors and assigns, and to be completed within such

time as shall be specified in writing by the said Director of Public Works.

SEC. 8. *And be it further ordained*, That said Grantee, its successors and assigns shall pay all expenses, costs and abandoned values in connection with the adjustment, abandonment and relocation of any utilities or vault.

SEC. 9. *And be it further ordained*, That the said Grantee, its successors and assigns, shall be liable for and shall indemnify and save harmless the Mayor and City Council of Baltimore against any and all suits, losses, costs, claims, damages or expenses to which the said Mayor and City Council of Baltimore City shall, from time to time, be subjected on account of, or in any way resulting from:

A. The presence, construction, use, operation, maintenance, alteration, repair, location, relocation or removal of the areaways for which the franchise is herein granted; and

B. The relocation, abandonment or adjustment of any utilities; and

C. Any failure on the part of said Grantee, its successors and assigns, to perform promptly and properly any of the duties or obligations imposed upon it or them by the terms and provisions of this Ordinance.

SEC. 10. *And be it further ordained*, That this ordinance shall take effect from December 14, 1980, being the expiration of Franchise Ordinance 170 of 1955.

Approved March 2, 1981.

WILLIAM DONALD SCHAEFER, *Mayor*.



## No. 246

(Council No. 443)

## AN ORDINANCE concerning

## CITY PROPERTY—SALE

FOR the purpose of authorizing the Mayor and City Council of Baltimore to sell either at public or private sale all the interest of the Mayor and City Council of Baltimore in and to certain parcels of land no longer needed for public use located at 1915, 1917, 1921 and 1923 N. Regester Street and 1904, 1906, 1908 and 1914 McDonogh Street.

BY authority of

Article V—Comptroller

Section 5(b)

Baltimore City Charter (1964 Revision as amended)

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That the Comptroller of Baltimore City be and he is hereby authorized to sell at either public or private sale in accordance with Article V, Section 5(b) of the City Charter, all of the interests of the Mayor and City Council of Baltimore in and to these parcels of land situate in Baltimore, Maryland, and described as follows:

| <i>Address</i>          | <i>Ward</i> | <i>Section</i> | <i>Block</i> | <i>Lot</i> |
|-------------------------|-------------|----------------|--------------|------------|
| 1915 N. Regester Street | 8           | 2              | 4156A        | 26         |
| 1917 N. Regester Street | 8           | 2              | 4156A        | 27         |
| 1921 N. Regester Street | 8           | 2              | 4156A        | 29         |
| 1923 N. Regester Street | 8           | 2              | 4156A        | 30         |
| 1904 McDonogh Street    | 8           | 2              | 4156A        | 11         |
| 1906 McDonogh Street    | 8           | 2              | 4156A        | 12         |
| 1908 McDonogh Street    | 8           | 2              | 4156A        | 13         |
| 1914 McDonogh Street    | 8           | 2              | 4156A        | 16         |

Said properties being no longer needed for public use.

SEC. 2. *And be it further ordained*, That no deed or deeds shall pass in accordance herewith until the same shall have been first approved by the City Solicitor.

SEC. 3. *And be it further ordained*, That this ordinance shall take effect from the date of its passage.

Approved March 2, 1981.

WILLIAM DONALD SCHAEFER, *Mayor*.

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No. 247

(Council No. 484)

AN ORDINANCE concerning

ISSUANCE OF REVENUE BONDS—THE BALTIMORE  
MUSEUM OF ART, INCORPORATED

FOR the purpose of authorizing the Mayor and City Council of Baltimore (the "City") to issue, sell and deliver, pursuant to Article II, Section 50 of the Charter of Baltimore City, 1964 Revision, as amended, its Revenue Bonds, designated "Baltimore City, Maryland Museum Revenue Bonds (the Baltimore Museum of Art Project), 1981 Series" in the aggregate principal amount not to exceed \$2,500,000 (the "Bonds"), in order to loan the proceeds thereof (the "Loan") to The Baltimore Museum of Art, Incorporated (the "Borrower") for the sole and exclusive purpose of financing in part the expansion, renovation and improvement of certain facilities owned and to be owned by the City and to be used by the borrower for the purposes of maintaining a public museum of art in Baltimore City (the "Project"); making certain legislative findings as to the purpose of the bonds; providing that the bonds shall be payable solely from certain contributions and pledges of contributions to the Borrower for the Project not otherwise restricted, shall not be general obligations of the City and shall not be a pledge of or involve the faith and credit or the taxing power of the City and shall not constitute a debt of the City within the meaning of Section 7 of Article XI of the Constitution of Maryland or of any other constitutional, statutory or charter provision limiting or restricting the sale of bonds, notes or other obligations

of the City; authorizing the private (negotiated) sale of the bonds; authorizing and empowering the Board of Finance of the City by resolution to: (1) determine and set forth the form, tenor, terms and conditions of the bonds; (2) prescribe the aggregate principal amount of the bonds (provided that said amount shall not exceed \$2,500,000), rate or rates of interest the bonds are to bear, denominations, maturity or maturities, method of calculating interest, place or payment, interest and principal installment due dates, the terms and conditions and details of redemption of the bonds prior to their stated maturity and the rights and remedies of the bondholders; (3) determine the time and manner of execution, issuance, sale and delivery and prescribe any and all other details of, and matters relating to, the bonds and the sale and issuance thereof; (4) approve the form and contents of a loan agreement between the Borrower and the City, an assignment between the City and the holders of the bonds and such other documents and instruments as it deems necessary, appropriate or expedient in connection with the issuance, sale and delivery of the bonds and the making of the Loan and authorize the execution and delivery thereof in substantially the form so approved; (5) provide for the issuance and sale (subject to the passage at the time of an appropriate ordinance authorizing the same) of one or more series of additional bonds and one or more series of refunding bonds; (6) provide for the payment, directly by the Borrower or out of the proceeds of the bonds, of all fees, costs and expenses incurred by or on behalf of the City in connection with the issuance, sale and delivery of the bonds; and (7) do any and all things, and authorize the proper officers of the City to do any and all things, necessary, appropriate or expedient in connection with the issuance, sale and delivery of the bonds; and generally providing for and determining various matters in connection with the authorization, issuance, security, sale and payment of the bonds.

### RECITALS

Section 50—Revenue Bonds and Obligations—of Article II of the Charter of Baltimore City, 1964 Revision,



as amended, (the "Enabling Law") authorizes and empowers the Mayor and City Council of Baltimore (the "City") to borrow money to finance any of the purposes, objects and powers of the City and in connection therewith to issue bonds, notes or other obligations payable as to both principal and interest solely from and secured solely by a pledge, *inter alia*, of the revenues from or arising in connection with the property, facilities, developments and improvements whose financing is undertaken by issuance of those bonds, notes or other obligations. The Enabling Law provides that such bonds, notes or other obligations shall not be general obligations of the City and shall not be a pledge of or involve the faith and credit or the taxing power of the City and shall not constitute a debt of the City within the meaning of Section 7 of Article XI of the Constitution of Maryland or of any other constitutional, statutory or charter provision limiting or restricting the sale or issuance of bonds, notes or other obligations of the City.

The Baltimore Museum of Art, Incorporated (the "Borrower") is presently undertaking the expansion, renovation and improvement of the facilities located on or near the west side of North Charles Street in Wyman Park owned and to be owned by the City and leased to the Borrower for purposes of maintaining a public museum of art. This expansion, renovation and improvement of said facilities (the "Project") is being financed in part by contributions to the Borrower for such purposes.

The City has determined to assist in the financing of the Project by issuing its revenue bonds, to be designated "Baltimore City, Maryland Museum Revenue Bonds (The Baltimore Museum of Art Project), 1981 Series" in the aggregate principal amount of \$2,500,000 (the "Bonds") and loaning the proceeds of the Bonds to the Borrower upon the terms and conditions of a Loan Agreement to be entered into between the City and the Borrower (the "Loan Agreement") (such loan being herein referred to as the "Loan".)

The Loan Agreement will require the Borrower: (1) to use the proceeds of the Bonds solely to finance the

Project and (2) to make Loan repayments which will be sufficient to enable the City to repay the principal of and interest and premium, if any, on the Bonds when and as the same shall become due and payable.

As security for the Loan, the Borrower will assign to the City all its right, title and interest in and to, and remedies under, any and all pledges of contributions to the Borrower for the Project not restricted to purposes other than financing the Project and any and all contributions to the Borrower for the Project not restricted to purposes other than financing the Project received by the Borrower on and after the date the Loan is made. The Loan shall be without recourse as to the Borrower and shall be payable solely from the contributions and pledges of contributions assigned to the City pursuant to the Loan Agreement.

As security for the Bonds, the City will enter into an Assignment with the holders of the Bonds (the "Assignment"), pursuant to which the City will assign to the holders of the Bonds: (a) the contributions and pledges of contributions assigned by the Borrower to the City pursuant to the Loan Agreement; (b) the receipts and revenues of the City from the Loan; and (c) all of the City's right, title and interest in and to, and remedies under, the Loan Agreement, including (without limitation) any and all collateral referred to therein.

The Board of Finance of the City (the "Board of Finance") shall be authorized and empowered to determine and set forth by resolution all matters relating to the Bonds, including (without limitation) the rate or rates of interest the Bonds are to bear, the aggregate principal amount of the Bonds (provided that said amount shall not exceed \$2,500,000), the form, terms and conditions, time or times of issuance and any and all other details of the Bonds and to approve the form and contents of the Loan Agreement, the Assignment and any and all other documents the Board of Finance shall deem necessary or proper to be executed and delivered in connection with the issuance and sale of the Bonds and the making of the Loan.

The Bonds will be sold at private (negotiated) sale.

NOW THEREFORE, IN ACCORDANCE WITH THE ENABLING LAW:

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That, acting pursuant to the Enabling Law, it is hereby found and determined that the issuance and sale of the Bonds by the City pursuant to the Enabling Law in order to lend the proceeds thereof to the Borrower for the sole and exclusive purpose of financing the Project by the Borrower is for the accomplishment of the lawful purposes, objects and powers of the City.

SEC. 2. *And be it further ordained*, That the City is hereby authorized and empowered to issue, sell and deliver its Baltimore City, Maryland Museum Revenue Bonds (The Baltimore Museum of Art Project), 1981 Series, in the aggregate principal amount not to exceed \$2,500,000, subject to the provisions of this Ordinance. The proceeds of the Bonds will be loaned to the Borrower pursuant to the terms and provisions of the Loan Agreement, to be used by the Borrower for the sole and exclusive purpose of financing the Project.

SEC. 3. *And be it further ordained*, That the Bonds shall be payable, as to both principal and interest, solely from pledges of contributions to the Borrower for the Project not otherwise restricted and from contributions to the Borrower for the Project not otherwise restricted and received by the Borrower on and after the date the Loan is made. The Bonds shall not be general obligations of the City and shall not be a pledge of or involve the faith and credit or the taxing power of the City and shall not constitute a debt of the City all within the meaning of Section 7 of Article XI of the Constitution of Maryland or within the meaning of any other constitutional, statutory or charter provision limiting or restricting the sale or issuance of bonds, notes or other obligations of the City. The security for the Bonds shall be solely and exclusively the assignment by the Borrower to the City of contributions and pledges of contributions to the Borrower for the Project pursuant to the Loan Agreement, the receipts and



revenues of the City from the Loan and all of the City's right, title and interest in and to, and remedies under, the Loan Agreement, including (without limitation) any and all collateral referred to therein.

SEC. 4. *And be it further ordained*, That, prior to the issuance, sale and delivery of the Bonds, the Board of Finance shall adopt a resolution or resolutions (the "Resolution") pursuant to which the Board of Finance shall:

(a) determine and set forth the form, tenor, terms and conditions of the Bonds;

(b) prescribe the aggregate principal amount of the Bonds (provided that said amount shall not exceed \$2,500,000), rate or rates of interest the Bonds are to bear, denominations, interest and principal installment due dates, maturity or maturities, the method of calculating interest, the place of payment, the terms and conditions and details of redemption of the Bonds prior to their stated maturity and the rights and remedies of the holders of the Bonds;

(c) determine the time and manner of execution, issuance, sale and delivery of the Bonds and prescribe any and all other details of, and matters relating to, the Bonds and the sale and issuance thereof;

(d) approve the form and contents, and authorize the execution and delivery by the proper officers of the City in the name and on behalf of the City in substantially the form approved thereby, of the Assignment, the Loan Agreement and such other documents and instruments as the Board of Finance shall deem necessary, appropriate or expedient in connection with the issuance, security, sale and delivery of the Bonds and the making of the Loan;

(e) provide for the issuance and sale (subject to the passage at the time of an appropriate ordinance authorizing the same) of one or more series of additional bonds and one or more series of refunding bonds;

(f) provide for the payment, directly by the Borrower or out of the proceeds of the Bonds, of all costs, fees and expenses incurred by or on behalf of the City in connec-

tion with the issuance, sale and delivery of the Bonds, including (without limitation) costs of preparing and issuing the Bonds, legal expenses and compensation to any person (other than full-time employees of the City) performing services by or on behalf of the City in connection therewith;

(g) do any and all things, and authorize the proper officers of the City to do any and all things, including (without limitation) to execute and deliver any and all supporting documents and certificates, necessary, appropriate or expedient in connection with the issuance, sale and delivery of the Bonds.

SEC. 5. *And be it further ordained*, That the Bonds shall be sold at private (negotiated) sale upon such terms as shall be approved by the Board of Finance in the Resolution.

SEC. 6. *And be it further ordained*, That if all the Bonds are not issued and sold within six months from the date on which this Ordinance is approved by the Mayor of the City, the authorization provided in this Ordinance for the City to issue and sell the Bonds shall expire; provided however, that the Board of Finance may, after a showing of good cause at a public hearing held before the Board of Finance, extend such authorization for one additional term not to exceed six months. The Board of Finance, in its sole discretion, shall determine the sufficiency, or lack thereof, of the reasons presented for any requested extension of this Ordinance. If an extension is granted, notice of such extension and the reasons therefor must be sent to the City Council.

SEC. 7. *And be it further ordained*, That the provisions of this Ordinance are severable and, if any provision, sentence, clause, section or part hereof is held illegal, invalid or unconstitutional or inapplicable to any person or circumstances, such illegality, invalidity, unconstitutionality or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this Ordinance would have been passed if such

illegal, invalid or unconstitutional provision, sentence, clause, section or part had not been included herein, and if the person or circumstances to which this Ordinance or any part hereof is inapplicable had been specifically exempted herefrom.

SEC. 8. *And be it further ordained*, That this Ordinance shall take effect from the date of its passage.

Approved March 2, 1981.

WILLIAM DONALD SCHAEFER, *Mayor*.

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No. 248

(Council No. 494)

AN ORDINANCE concerning

SUPPLEMENTARY APPROPRIATION—  
BOARD OF ESTIMATES

FOR the purpose of providing a supplementary general fund appropriation in the amount of Nine Hundred Thousand Dollars (\$900,000) to the Board of Estimates to be used for additional expenses resulting from judgments and suits which could not reasonably be anticipated at the time of formulation of the proposed fiscal 1981 Ordinance of Estimates.

BY authority of

Article VI—Board of Estimates

Section 2(h) (3)

Baltimore City Charter (1964 Revision as amended)

WHEREAS, the money appropriated herein represents revenue produced by Earnings on Investments in excess of the revenue estimated and relied upon by the Board of Estimates in determining the tax levy required to balance the budget for the fiscal year 1981 and is therefor available for appropriation to the Board of Estimates pursuant to the provisions of Article VI, Section 2(h) (3) of the 1964 revised Charter of Baltimore City; and



WHEREAS, the additional sum here appropriated is for a program included in the current Ordinance of Estimates and said sum is made necessary by a material change in circumstances since the formulation and adoption of such ordinance, in accordance with Article VI, Section 2(h) (3) of said Charter; and

WHEREAS, the supplementary general fund appropriation ordained herein has been recommended to the City Council by the Board of Estimates, said recommendation having been made at a regular meeting of said Board held on the 14th day of January, 1981, all in accordance with Article VI, Section 2(h) (3) of said Charter.

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That under the provisions of Article VI, Section 2 of the 1964 revision of the Charter of Baltimore City as amended, the sum of Nine Hundred Thousand Dollars (\$900,000) shall be made available to the Board of Estimates as a supplementary general fund appropriation for the fiscal year ending June 30, 1981, for the purpose of additional expenses resulting from judgements and suits which could not reasonably be anticipated at the time of formulation of the proposed fiscal 1981 Ordinance of Estimates. The amount thus made available as a supplementary general fund appropriation shall be expended from revenue derived from Earnings on Investments in excess of the amount from this source which was estimated and relied upon by the Board of Estimates in determining the tax levy required to balance the budget for the 1981 fiscal year; and said funds shall be the source of revenue for this supplementary general fund appropriation, as required by Article VI, Section 2 of the Baltimore City Charter (1964 Revision as amended).

SEC. 2. *And be it further ordained*, That this ordinance shall take effect from the date of its passage.

Approved March 2, 1981.

WILLIAM DONALD SCHAEFER, *Mayor*.

## No. 249

(Council No. 379)

## AN ORDINANCE concerning

URBAN RENEWAL—ORCHARD-BIDDLE—  
AMENDMENT NO. 8

FOR the purpose of amending the Urban Renewal Plan for the Orchard-Biddle Urban Renewal Project to, among other things, (1) revise the boundary of the project area to include the blocks bounded by Biddle, Howard, Madison, and Eutaw Streets; (2) delete from acquisition certain properties previously authorized to be acquired under Ordinance No. 360, approved June 8, 1973; (3) authorize the acquisition of certain properties by the Mayor and City Council of Baltimore; (4) modify the lot lines, indicate utility easements, and revise, add or delete standards and controls for certain existing development parcels; (5) create new development parcels and provide corresponding standards and controls; (6) make certain land use changes and/or establish new land use categories, and revise the language in the Plan regarding permitted uses; (7) recommend zoning district changes and provide that the approval of Amendment No. 8 shall not be construed as an enactment of said amendments to the Zoning Ordinance of Baltimore City as are proposed; (8) prohibit sandblasting as a means of cleaning masonry facades on all properties in Orchard-Biddle and provide a penalty for violation of this provision; (9) revise the provisions regarding compliance with the Rehabilitation Standards, as previously set forth in Ordinance No. 686 dated March 27, 1978, and provide a penalty for violation of these provisions; (10) revise certain Appendices and Exhibits attached to the Urban Renewal Plan to reflect changes being proposed in Amendment No. 8; (11) waive such requirements, if any, as to content or procedure for the preparation, adoption and approval of renewal plans as set forth in Article 13 of the Baltimore City Code (1976 Edition, as amended) which the Urban Renewal Plan for Orchard-Biddle may not meet; (12) provide for the separability of the various parts and

applications of this ordinance; (13) provide that where the provisions of this ordinance shall conflict with any other ordinance, code or regulation in force in the City of Baltimore, the provision which establishes the higher standard shall prevail; and (14) provide for an effective date hereof.

WHEREAS, an Urban Renewal Plan for the Orchard-Biddle project was first approved by the Mayor and City Council of Baltimore by Ordinance No. 1066 dated May 17, 1971, and last amended by Ordinance No. 686 dated March 17, 1978; and

WHEREAS, pursuant to Article 13 of the Baltimore City Code (1976 Edition, as amended), no substantial change or changes shall be made in any renewal plan, after approval by ordinance, without such change or changes first being adopted and approved in the same manner as set forth in said Article 13 for the approval of a renewal plan, namely the preparation of such change or changes by the Department of Housing and Community Development, the approval of such change or changes by the Director of the Department of Planning, and approval and adoption by an ordinance of the Mayor and City Council of Baltimore after a public hearing in relation thereto, all in the manner set forth in said Article 13; and

WHEREAS, extensive changes in the Urban Renewal Plan make it infeasible to make line-by-line changes; therefore, the Department of Housing and Community Development has prepared an amended Urban Renewal Plan for Orchard-Biddle; and

WHEREAS, said amended Urban Renewal Plan for Orchard-Biddle has been approved by the Director of the Department of Planning with respect to its conformity as to the Master Plan, the detailed location of any public improvements proposed in the amended Renewal Plan, its conformity to the rules and regulations for subdivision, and all zoning changes proposed in the amended Renewal Plan; and said amended Renewal Plan has been approved and recommended to the Mayor and City Council of Baltimore by the Commissioner of the Department of Housing and Community Development; now, therefore,



SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That the amended Urban Renewal Plan for Orchard-Biddle, identified as "Urban Renewal Plan, Orchard-Biddle Urban Renewal Project . . . revised to include Amendment No. 8, dated June 18, 1980, AND REVISED DECEMBER 17, 1980," is hereby approved and the Clerk of the City Council is hereby directed to file a copy of said amended Urban Renewal Plan with the Department of Legislative Reference as a permanent public record and make the same available for public inspection and information.

SEC. 2. *And be it further ordained*, That the boundaries of the Orchard-Biddle Urban Renewal Project shall be revised to include the blocks bounded by Biddle, Howard, Madison, and Eutaw Streets; therefore, Section 2 of Ordinance No. 846, approved April 7, 1975, is hereby amended to read as follows:

Beginning for the same at the intersection 4[ of the southeast side of West Biddle Street and the east side of North Eutaw Street; } ] *formed by the extension of the southwest side of Argyle Avenue and the southeast side of West Biddle Street; thence binding on the southeast side of West Biddle Street northeasterly to intersect the west side of Howard Street; thence running southeasterly to intersect the centerline of Howard Street and an extended straight line of the north side of Read Street; thence binding on the centerline of Howard Street southerly to intersect the south side of West Madison Street; thence binding on the south side of West Madison Street westerly to intersect the east side of North Eutaw Street; thence binding on the east side of North Eutaw Street southerly to intersect the south side of Franklin Street; thence binding on the south side of Franklin Street westerly to intersect the east side of Paca Street; thence binding on the east side of Paca Street southerly to intersect the south side of West Saratoga Street; thence binding on the south side of West Saratoga Street westerly to intersect the east side of North Greene Street; thence binding on the east side of North Greene Street southerly to intersect the centerline of West Fayette Street; thence binding on the centerline of West Fayette Street westerly to intersect the extended west side*

of Pearl Street; thence binding on the extended west side and the west side of Pearl Street northerly to intersect the north side of the parcel known as 132 Pearl Street; thence binding on the north side of the parcel known as 132 Pearl Street westerly to intersect the west side of a parcel known as 619 West Lexington Street; thence binding on the west side of the parcel known as 619 West Lexington Street northerly to intersect the north side of a 3-foot alley which lies 52 feet from the south side of West Lexington Street; thence binding on the north side of said 3-foot alley westerly to intersect the west side of North Arch Street; thence binding on the west side of North Arch Street southerly to intersect the north side of West Vine Street; thence binding on the north side of West Vine Street westerly to intersect the west side of North Pine Street; thence binding on the west side of North Pine Street southerly to intersect the south side of West Baltimore Street; thence binding on the south side of West Baltimore Street westerly to intersect the west side of the ~~[[proposed]]~~ Harbor City Boulevard right-of-way line; thence binding on the west side of the ~~[[proposed]]~~ Harbor City Boulevard right-of-way line northeasterly and northerly to intersect the north side of West Fayette Street; thence binding on the north side of West Fayette Street easterly to intersect a line formed by extending the west side of Myrtle Avenue south of West Lexington Street; thence binding on the line formed by extending the west side of Myrtle Avenue and the west side of Myrtle Avenue northerly to intersect the north side of George Street; thence binding on the north side of George Street easterly to intersect the northwest side of West Biddle Street; thence binding on the northwest side of West Biddle Street northeasterly to intersect the southwest side of Argyle Avenue; thence binding on the extension of the southwest side of Argyle Avenue southeasterly ~~[[to intersect the southeast side of West Biddle Street; thence binding on the southeast side of West Biddle Street northeasterly]]~~ to the point of beginning.

SEC. 3. *And be it further ordained*, That it is necessary to delete the following from the list of properties previously authorized to be acquired under Ordinance No. 360, approved June 8, 1973:

315 Diamond Street

317 Diamond Street

~~503 West Mulberry Street~~

~~505 West Mulberry Street~~

314 North Paca Street

316 North Paca Street

318 North Paca Street

320 North Paca Street

322 North Paca Street

324 North Paca Street

326 North Paca Street

328 North Paca Street

SEC. 4. *And be it further ordained*, That it is necessary to acquire, by purchase or by condemnation, for urban renewal purposes, the fee simple interest or any lesser interest in and to certain properties or portions thereof, together with all right, title, interest and estate that the owner or owners of said property interests may have in all streets, alleys, ways or lanes, public or private, both abutting the whole area described and/or contained within the perimeter of said area, situate in Baltimore City, Maryland, and described as follows:

516-522 Druid Hill Avenue

702 Druid Hill Avenue

506-510 North Eutaw Street

602 North Eutaw Street

840 North Eutaw Street

842 North Eutaw Street

~~847 North Eutaw Street~~

410-412 West Franklin Street

406 N. George Street

408 N. George Street

202 N. GREENE STREET

204 N. GREENE STREET

206-10 N. GREENE STREET

212 N. GREENE STREET

214 N. GREENE STREET

216 N. GREENE STREET



218-20 N. GREENE STREET

222 N. GREENE STREET

224 N. GREENE STREET

226 N. GREENE STREET

511 Jasper Street

604 W. LEXINGTON STREET

616 W. LEXINGTON STREET

437 Orchard Street

439 Orchard Street

441 Orchard Street

443 Orchard Street

445 Orchard Street

447 Orchard Street

513 Orchard Street

515 Orchard Street

517 Orchard Street

519 Orchard Street

521 Orchard Street

523 Orchard Street

525 Orchard Street

527 Orchard Street

529 Orchard Street

531 Orchard Street

635 N. Paca Street

211 PEARL STREET

223-25 PEARL STREET

227-29 PEARL STREET

231 PEARL STREET

233 PEARL STREET

235 PEARL STREET

237 PEARL STREET

239 PEARL STREET

514 St. Mary Street

516 St. Mary Street

518 St. Mary Street

520 St. Mary Street

522 St. Mary Street

524 St. Mary Street

526 St. Mary Street

528 St. Mary Street  
534 St. Mary Street  
538 ST. MARY STREET

*Sec. 5. And be it further ordained,* That it is necessary to acquire, by purchase or by condemnation, for urban renewal purposes, the fee simple interest or any lesser interest in and to only the structure standing on the following property and described as follows:

one billboard located at the rear of  
701 Druid Hill Avenue

*SEC. 6 5. And be it further ordained,* That the Real Estate Acquisition Division of the Department of the Comptroller, or such person or persons and in such manner as the Board of Estimates, in the exercise of the power vested in it by Article V, Section 5, of the Baltimore City Charter, may hereafter from time to time designate, is or are authorized to acquire on behalf of the Mayor and City Council of Baltimore and for the purposes described in this ordinance, the fee simple interest or any lesser interest in and to the properties or portions thereof hereinabove mentioned. If the said Real Estate Acquisition Division of the Department of the Comptroller, or such person or persons, and in such manner as the Board of Estimates in the exercise of the power vested in it by Article V, Section 5, of the Baltimore City Charter may hereafter from time to time designate, is or are unable to agree with the owner or owners on the purchase price for said properties or portions thereof, it or they shall forthwith notify the City Solicitor of Baltimore City, who shall thereupon institute in the name of the Mayor and City Council of Baltimore the necessary legal proceedings to acquire by condemnation the fee simple interest or any lesser interest in and to said properties or portions thereof.

*SEC. 7 6. And be it further ordained,* That the boundaries of certain existing development parcels shall be modified, new development parcels shall be created, and utility easements shall be designated, all as shown in the amended Urban Renewal Plan on Exhibit 3, Land Disposition Map, dated as revised June 18, 1980. AND FURTHER REVISED DECEMBER 17, 1980.

SEC. 8 7. *And be it further ordained*, That the revised standards and controls for certain existing disposition parcels and the added standards and controls for newly created disposition parcels, as contained in the amended Urban Renewal Plan under Section B.2.a., Provisions Applicable to Land to be Acquired, DATED AS REVISED JUNE 18, 1980 AND FURTHER REVISED DECEMBER 4, 1980, are hereby approved.

SEC. 9 8. *And be it further ordained*, That the proposed land use changes shown in the amended Urban Renewal Plan on Exhibit 1, General Land Use Plan Map, dated as revised February 6, 1980, AND FURTHER REVISED DECEMBER 17, 1980, and the language in the Urban Renewal Plan under Section B.1., Permitted Uses, are hereby approved.

SEC. 10 9. *And be it further ordained*, That the approval of Amendment No. 8 to the Urban Renewal Plan for Orchard-Biddle shall not be construed as an enactment of the amendments to the Zoning Ordinance of Baltimore City that are proposed in said Amendment No. 8, as shown in the amended Urban Renewal Plan on Exhibit 5, Zoning Districts Map, dated as revised February 6, 1980, AND FURTHER REVISED DECEMBER 4, 1980.

SEC. 11 10. *And be it further ordained*, That the cleaning of masonry facades on all properties in the Orchard-Biddle area by means of sandblasting shall not be permitted.

SEC. 12 11. *And be it further ordained*, That the compliance provisions set forth in the amended Urban Renewal Plan under Appendix A, Property Rehabilitation Standards, shall be revised. Therefore, Ordinance No. 686, approved March 27, 1978, under Section 4 on page 14, item (12), Compliance, is hereby amended to read as follows:

(12) Compliance

No alteration or improvement work shall be undertaken ~~4[after enactment] of the ordinance approving Amendment No. 7 to the Plan-]~~ which does not conform with the requirements herein. *However, the Commissioner of the De-*



*partment of Housing and Community Development may waive compliance with one or more of these standards if the proposed improvements do not adversely affect the Property Rehabilitation Objectives for the Orchard-Biddle area.*

Nothing herein shall be construed to permit any sign, construction, alteration, change, repair, use or any other matter otherwise forbidden or restricted or controlled by any other public law.

The work necessary to meet the requirements herein shall be undertaken within two years from the date of enactment of the ordinance approving Amendment No. 7 to the Plan ~~(and shall be completed promptly in accordance with)~~ *unless extended by the Commissioner of the Department of Housing and Community Development. Thereafter, all work shall be completed in accordance with the date of completion set forth in the notice from the Commissioner of the Department of Housing and Community Development.*

SEC. ~~13~~ 12. *And be it further ordained,* That any person guilty of violating the provisions contained in Sections ~~11~~ 10 or ~~12~~ 11 of this Ordinance shall be guilty of a misdemeanor and shall be subject to a fine not exceeding One Hundred Dollars (\$100.00), and that each day's violation shall constitute a separate offense.

SEC. ~~14~~ 13. *And be it further ordained,* That Appendices C and D of the amended Urban Renewal Plan shall be deleted and that the following revised Appendices and Exhibits are hereby approved: Appendix A, Property Rehabilitation Standards (dated Revised 6/18/80); Appendix B, Properties for Acquisition and Disposition for Residential Rehabilitation (dated Revised 6/18/80) ~~AND FURTHER REVISED 12/17/80~~; Exhibit 1, General Land Use Plan Map (dated Revised 2/6/80) ~~AND FURTHER REVISED 12/17/80~~; Exhibit 2, Property Acquisition Map (dated Revised 6/18/80) ~~AND FURTHER REVISED 12/17/80~~; Exhibit 3, Land Disposition Map (dated Revised 6/18/80) ~~AND FURTHER REVISED 12/17/80~~; and Exhibit 5, Zoning Districts Map (dated Revised 2/6/80) ~~AND FURTHER REVISED 12/4/80~~.

SEC. ~~15~~ 14. *And be it further ordained*, That in whatever respect, if any, the said amended Renewal Plan approved hereby may not meet the requirements as to the content of a renewal plan or the procedures for the preparation, adoption, and approval of renewal plans, as provided in Article 13 of the Baltimore City Code (1976 Edition, as amended), the said requirements are hereby waived and the amended Renewal Plan approved hereby is exempted therefrom.

SEC. ~~16~~ 15. *And be it further ordained*, That in the event it be judicially determined that any word, phrase, clause, sentence, paragraph, section or part in or of this ordinance, or the application thereof to any person or circumstances is invalid, the remaining provisions and the application of such provisions to other persons or circumstances shall not be affected thereby, the Mayor and City Council hereby declaring that they would have ordained the remaining provisions of this ordinance without the word, phrase, clause, sentence, paragraph, section or part, or the application thereof so held invalid.

SEC. ~~17~~ 16. *And be it further ordained*, That in any case where a provision of this ordinance concerns the same subject matter as an existing provision of any zoning, building, electrical, plumbing, health, fire or safety ordinance or code or regulation, the applicable provisions concerned shall be construed so as to give effect to each; provided, however, that ~~it~~ IF such provisions are found to be in irreconcilable conflict, the provision which establishes the higher standard for the promotion of the public health and safety shall prevail. In any case where a provision of this ordinance is found to be in conflict with an existing provision of any other ordinance or code or regulation in force in the City of Baltimore which establishes a lower standard for the promotion and protection of the public health and safety, the provision of this ordinance shall prevail, and the other existing provision of such other ordinance or code or regulation is hereby repealed to the extent that it may be found in conflict with this ordinance.

SEC. ~~18~~ 17. *And be it further ordained*, That this ordinance shall take effect from the date of its passage.

Approved March 9, 1981.

WILLIAM DONALD SCHAEFER, *Mayor*.

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No. 250

(Council No. 458)

AN ORDINANCE concerning

CITY STREET—OPENING CERTAIN STREETS  
AND ALLEYS OR PORTIONS THEREOF IN THE  
UPTON URBAN RENEWAL PROJECT

FOR the purpose of condemning and opening certain streets and alleys or portions thereof lying within the area of the Upton Urban Renewal Project in accordance with a plat thereof numbered 312-A-8, prepared by the Surveys and Records Division and filed in the Office of the Department of Public Works, on the Fourteenth (14th) day of November, 1980.

BY authority of

Article I—General Provisions

Section—4

Article II—General Provisions

Sections—2, 34, 35

Baltimore City Charter (1964 Revision, as amended)

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That the Department of Public Works be, and they are hereby authorized and directed to condemn and open certain streets and alleys or portions thereof lying within the area of the Upton Urban Renewal Project the streets and alleys hereby directed to be condemned for said opening being described as follows:

Sheet 1 of 1 comprising Brunt Street, Wilsons Court and a 3.5 foot alley said streets and alley are numbered from one to three on said sheet and described as follows:

1—Brunt Street, 20 feet wide, and extending from a point distant 70 feet northwesterly from the northwest



side of McMechen Street, Northwesterly 179 feet, more or less, to a northwest outline of Lot 36 of the Upton Urban Renewal Project and designated as Parcel No. 1.

2—Wilsons Court, 10.42 feet wide, laid out 95.92 feet southeast of the southeast side of Wilson Street and extending from the northeast outline of the property known as No. 1631 Brunt Street, Northeasterly 11 feet, more or less, to a northeast outline of Lot 36 of the Upton Urban Renewal Project and designated as Parcel No. 2.

3—An alley 3.5 feet wide, laid out in the rears of the properties known as No.'s 1623 through and including 1629 Brunt Street and extending from Wilsons Court, Southeasterly 49 feet, more or less, to the end thereof and designated as Parcel No. 3.

the said streets and alley as directed to be condemned being more particularly described and referred to among the Land Records of Baltimore City and delineated and particularly shown on a plat numbered 312-A-8 which was filed in the Office of the Department of Public Works on the Fourteenth (14th) day of November, in the year 1980, and is now on file in said Office.

SEC. 2. *And be it further ordained*, That the proceedings of said Department of Public Works, with reference to the condemnation and opening of said streets and alley and the proceedings and rights of all parties interested or affected thereby, shall be regulated by, and be in accordance with, any and all applicable provisions of Article 4 of the Code of Public Local Laws of Maryland and the Charter of Baltimore City (1964 Revision) as amended to July 1, 1973 and any and all amendments thereto, and any and all other Acts of the General Assembly of Maryland, and any and all ordinances of the Mayor and City Council of Baltimore, and any and all rules or regulations in effect which have been adopted by the Director of Public Works and filed with the Department of Legislative Reference.

SEC. 3. *And be it further ordained*, That this ordinance shall take effect from the date of its passage.

Approved March 9, 1981.

WILLIAM DONALD SCHAEFER, *Mayor*.

## No. 251

(Council No. 459)

## AN ORDINANCE concerning

CITY STREET—CLOSING CERTAIN STREETS  
AND ALLEYS OR PORTIONS THEREOF IN THE  
UPTON URBAN RENEWAL PROJECT

FOR the purpose of condemning and closing certain streets and alleys or portions thereof lying within the area of the Upton Urban Renewal Project in accordance with a plat thereof numbered 312-A-8A, prepared by the Surveys and Records Division and filed in the Office of the Department of Public Works, on the Fourteenth (14th) day of November, 1980.

BY authority of

Article I—General Provisions

Section—4

Article II—General Provisions

Sections—2, 34, 35

Baltimore City Charter (1964 Revision, as amended)

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That the Department of Public Works be, and they are hereby authorized and directed to condemn and close certain streets and alleys or portions thereof lying within the area of the Upton Urban Renewal Project the streets and alleys hereby directed to be condemned for said closing being described as follows:

Sheet 1 of 1 comprising Brunt Street, Wilsons Court and a 3.5 foot alley said streets and alley are numbered from one to three on said sheet and described as follows:

1—Brunt Street, 20 feet wide, and extending from a point distant 70 feet northwesterly from the northwest side of McMechen Street, Northwesterly 179 feet, more or less, to a northwest outline of Lot 36 of the Upton Urban Renewal Project and designated as Parcel No. 1.

2—Wilsons Court, 10.42 feet wide, laid out 95.92 feet southeast of the southeast side of Wilson Street and ex-

tending from the northeast outline of the property known as No. 1631 Brunt Street, Northeasterly 11 feet, more or less, to a northeast outline of Lot 36 of the Upton Urban Renewal Project and designated as Parcel No. 2.

3—An alley 3.5 feet wide, laid out in the rears of the properties known as No.'s 1623 through and including 1629 Brunt Street and extending from Wilsons Court, South-easterly 49 feet, more or less, to the end thereof and designated as Parcel No. 3.

the said streets and alley as directed to be condemned being more particularly described and referred to among the Land Records of Baltimore City and delineated and particularly shown on a plat numbered 312-A-8A which was filed in the Office of the Department of Public Works on the Fourteenth (14th) day of November, in the year 1980, and is now on file in said Office.

SEC. 2. *And be it further ordained,* That after said highway or highways shall have been closed under the provisions of this ordinance, all subsurface structures and appurtenances now owned by the Mayor and City Council of Baltimore, shall be and continue to be the property of the Mayor and City Council of Baltimore, in fee simple, until the use thereof shall be abandoned by the Mayor and City Council of Baltimore, and in the event that any person, firm or corporation shall desire to remove, alter or interfere therewith, such person, firm or corporation shall first obtain permission and permits therefor from the Mayor and City Council of Baltimore, and shall in the application for such permission and permits agree to pay all costs and charges of every kind and nature made necessary by such removal, alteration or interference.

SEC. 3. *And be it further ordained,* That no buildings or structures of any kind shall be constructed or erected in said portion of said highway or highways after the same shall have been closed under the provisions of this ordinance until the subsurface structures and appurtenances now owned by the Mayor and City Council of Baltimore, over which said buildings or structures are proposed to be constructed or erected shall have been abandoned or shall



have been removed and relaid in accordance with the specifications and under the direction of the Director of Public Works of Baltimore City, and at the expense of the person or persons or body corporate desiring to erect such buildings or structures. Railroad tracks shall be taken to be "structures" within the meaning of this section.

SEC. 4. *And be it further ordained,* That after said highway or highways shall have been closed under the provisions of this ordinance, all subsurface structures and appurtenances owned by any person, firm or corporation, other than the Mayor and City Council of Baltimore, shall upon notice from the Director of Public Works of Baltimore City, be promptly removed by and at the expense of the said owners.

SEC. 5. *And be it further ordained,* That on and after the closing of said highway or highways, the said Mayor and City Council of Baltimore, acting through its duly authorized representatives, shall, at all times, have access to said property and to all subsurface structures and appurtenances used by it therein, for the purposes of inspection, maintenance, repair, alteration, relocation and/or replacement, of any or all of said structures and appurtenances, and this without permission from or compensation to the owner or owners of said land.

SEC. 6. *And be it further ordained,* That the proceedings of said Department of Public Works with reference to the condemnation and closing of said streets and alley and the proceedings and rights of all parties interested or affected thereby, shall be regulated by, and be in accordance with, any and all applicable provisions of Article 4 of the Code of Public Local Laws of Maryland and the Charter of Baltimore City (1964 Revision) as amended to July 1, 1973 and any and all amendments thereto, and any and all other Acts of the General Assembly of Maryland, and any and all ordinances of the Mayor and City Council of Baltimore, and any and all rules or regulations in effect which have been adopted by the Director of Public Works and filed with the Department of Legislative Reference.

SEC. 7. *And be it further ordained*, That this ordinance shall take effect from the date of its passage.

Approved March 9, 1981.

WILLIAM DONALD SCHAEFER, *Mayor*.

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No. 252

(Council No. 479)

AN ORDINANCE concerning

FRANCHISE—SUPERMARKETS GENERAL  
CORPORATION

FOR the purpose of setting the annual franchise fee for two bridgeways, a tunnel and coal vault over and under Kimmel Alley between Clay and Lexington Streets.

BY amending

Ordinance 195, approved December 5, 1980

Section 2

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That Section 2 of Ordinance 195, approved December 5, 1980, is hereby amended to read as follows:

SEC. 2. *And be it further ordained*, That the said grantee, its successors and assigns, shall pay to the said Mayor and City Council of Baltimore, as compensation for the franchise or privilege hereby granted the sum of *Two Thousand Fourteen Dollars and Twenty-one Cents (\$2,014.21)* per year, payable in advance during the continuance of this franchise or privilege, or any renewal thereof; and subject to the increase or decrease of this charge as provided in Section 3 hereof.

SEC. 3. *And be it further ordained*, That this ordinance shall take effect on the date of its passage.

Approved March 9, 1981.

WILLIAM DONALD SCHAEFER, *Mayor*.

## No. 253

(Council No. 517)

## AN ORDINANCE concerning

INDUSTRIAL DEVELOPMENT REVENUE  
BONDS—(PICORP PROJECT)

FOR the purpose of authorizing and empowering Mayor and City Council of Baltimore to issue and sell, at any time or from time to time and in one or more series, as limited obligations of the City and not upon its full faith and credit, its industrial development revenue bonds, in the aggregate principal amount not to exceed \$1,000,000, pursuant to the provisions of Sub-section (50) of Article II of the Charter of Baltimore City (1964 Revision), as amended, for the sole and exclusive purpose of financing the costs of the completion by Picorp Baltimore Realty Development Company, a New York general partnership, of a certain project in Baltimore City consisting of the construction of certain improvements on the real property already owned by such partnership and located at 6500-6502 East Lombard Street in Baltimore City, and the purchase and installation of certain machinery and equipment therein, to be owned by Picorp Baltimore Realty Development Company and leased to Picorp, Inc., Baltimore, a Delaware corporation, for use as a container chassis repair and storage depot; authorizing the Mayor of the City, on behalf of the City, to accept the letter of intent dated January 9, 1981; making certain legislative findings; authorizing and empowering the Board of Finance of the City, by a resolution or resolutions adopted prior to the issuance, sale and delivery of any series of such bonds, to (a) prescribe, among other things but not limited to, the form, terms, provisions, manner or method of issuing and selling (including negotiated as well as competitive bid sale), and the time or times of issuance, and any and all other details of such bonds, and (b) do any and all things necessary, proper or expedient in connection with the issuance and sale of such bonds; providing that Picorp Baltimore Realty Development Company shall agree to submit any plans and specifications to,



and to coordinate with, the Department of Housing and Community Development in connection with the completion of such project; providing that such bonds must be issued and sold within six months from the date this Ordinance is approved by the Mayor, unless the Board of Finance approves one six month extension as provided in this Ordinance; and generally providing for and determining various matters and details in connection with the issuance and sale of such bonds.

### RECITALS

Sub-section (50) of Article II of the Charter of Baltimore City (1964 Revision), as amended (the "Enabling Law"), empowers Mayor and City Council of Baltimore (the "City") to borrow money to finance undertakings for the accomplishment of any of the purposes, objects and powers of the City and in connection therewith to issue bonds, notes, or other obligations (including refunding bonds, notes or other obligations), all of which shall be fully negotiable, payable, as to both principal and interest, solely from and secured solely by a pledge of (I) the revenues from or arising in connection with the property, facilities, developments and improvements whose financing is undertaken by the issuance of such bonds, notes or other obligations, (II) the revenues from or arising in connection with any contracts, mortgages or other securities purchased or otherwise acquired with the proceeds of such bonds, notes or other obligations, (III) the contracts, mortgages or other securities purchased or otherwise acquired with the proceeds of such bonds, notes or other obligations, or (IV) any combination of (I), (II) or (III). The purposes, objects and powers of the City contemplated by the Enabling Law include the relief of conditions of unemployment in Baltimore City, encouraging the increase of industry and a balanced economy in Baltimore City, promoting economic development in Baltimore City, and promoting the health, welfare and safety of the residents of Baltimore City.

The City has received a letter of intent dated January 9, 1981 (the "Letter of Intent") from Picorp Baltimore Realty Development Company, a New York gen-

eral partnership (the "Borrower"), pursuant to which the Borrower has requested the City to participate in the financing of the costs of the completion by the Borrower of a certain project in Baltimore City, Maryland (the "Project"), by issuing and selling the City's industrial development revenue bonds in the aggregate principal amount not to exceed \$1,000,000 (the "Bonds"), and by making the proceeds of the Bonds available to the Borrower to be used by the Borrower for the sole and exclusive purpose of financing the costs of the completion of the Project by the Borrower.

The Project will consist generally of (a) the construction of an approximately 15,000 square foot building on an approximately 17 acre tract of land already owned by the Borrower and located at 6500-6502 East Lombard Street in Baltimore City, and (b) the acquisition and installation therein of any or all machinery and equipment as may be necessary or useful in connection with the operation thereof. Upon completion, the Project will be owned by the Borrower and leased to Picorp, Inc., Baltimore, a Delaware corporation, for use as a container chassis repair and storage depot.

The Enabling Law provides that the City may authorize and empower the Board of Finance of the City (the "Board") by resolution to determine and set forth the form, terms, provisions, manner or method of issuing and selling (including negotiated as well as competitive bid sale), and the time or times of issuance, and any and all other details of the Bonds and the issuance and sale thereof, and to do any and all things necessary, proper or expedient in connection with the issuance and sale of the Bonds.

NOW THEREFORE, IN ACCORDANCE WITH THE ENABLING LAW:

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That acting pursuant to the Enabling Law, it is hereby found and determined as follows:

(1) The issuance and sale of the Bonds by the City pursuant to the Enabling Law in order to make the pro-

ceeds thereof available to the Borrower for the sole and exclusive purpose of financing the costs of completion of the Project will facilitate and expedite the completion of the Project by the Borrower.

(2) The completion of the Project by the Borrower and the financing of the costs of such completion as provided in this Ordinance will serve to promote the general purposes contemplated by the Enabling Law by (a) sustaining jobs and employment in Baltimore City; (b) promoting economic development in Baltimore City; (c) encouraging the increase of industry and a balanced economy in Baltimore City; and (d) enhancing the development of the Port of Baltimore.

(3) Any and all of the Bonds shall not be general obligations of the City and shall not be a pledge of or involve the faith and credit or the taxing power of the City, and shall not constitute a debt of the City, all within the meaning of Section 7 of Article XI of the Constitution of Maryland or within the meaning of any other constitutional, statutory or charter provision limiting or restricting the sale or issuance of bonds, notes or other obligations of the City. All of the Bonds shall be limited obligations of the City, and shall be fully negotiable, payable, as to both principal and interest, solely from and secured solely by a pledge of (I) the revenues from or arising in connection with the Project, (II) the revenues from or arising in connection with any contracts, mortgages or other securities purchased or otherwise acquired with the proceeds of the Bonds, (III) the contracts, mortgages or other securities purchased or otherwise acquired with the proceeds of the Bonds, or (IV) any combination of (I), (II) or (III), all as the Board may approve by a resolution or resolutions adopted prior to the issuance, sale and delivery of any of the Bonds.

SEC. 2. *And be it further ordained*, That the City is hereby authorized and empowered to issue and sell, at any time or from time to time and in one or more series, as limited obligations of the City and not upon its full faith and credit, its industrial development revenue bonds, in the aggregate principal amount not to exceed \$1,000,000, subject to the provisions of this Ordinance. The proceeds



of the Bonds will be made available to the Borrower under terms and conditions approved by the Board and set forth in a Resolution, and used by the Borrower for the sole and exclusive purpose of financing the costs of the completion of the Project.

SEC. 3. *And be it further ordained*, That this Ordinance constitutes the present intent of the City to issue the Bonds, and the Mayor of the City is hereby authorized to accept the Letter of Intent on behalf of the City in order to further evidence the present intent of the City to issue the Bonds in accordance with the terms and provisions of this Ordinance.

SEC. 4. *And be it further ordained*, That, as permitted by the Enabling Law, the Board is hereby authorized and empowered, by a resolution or resolutions adopted prior to the issuance, sale and delivery of any of the Bonds, to:

(a) prescribe, among other things but not limited to, the form, terms, provisions, manner or method of issuing and selling (including negotiated as well as competitive bid sale), and the time or times of issuance, and any and all other details of the Bonds and the issuance and sale thereof;

(b) approve (i) the pledge or assignment by the City of any of the security described in Section 5 of this Ordinance, pursuant to a trust agreement or similar agreement, (ii) the form of any such trust agreement or similar agreement, as provided in the Enabling Law, and (iii) such provisions in any such trust agreement or similar agreement as the Board may deem reasonable and proper for the security of the holders of the Bonds;

(c) approve the terms and conditions, including but not limited to the terms and conditions of any documents to be executed and delivered by the City (other than customary financing statements and closing certificates), under which the proceeds of the Bonds will be made available to the Borrower to finance the costs of the completion of the Project; and

(d) do any and all things necessary, proper or expedient in connection with the issuance, sale and delivery of the Bonds.

SEC. 5. *And be it further ordained*, That any and all of the Bonds shall not be general obligations of the City and shall not be a pledge of or involve the faith and credit or the taxing power of the City, and shall not constitute a debt of the City, all within the meaning of Section 7 of Article XI of the Constitution of Maryland or any other constitutional, statutory or charter provision limiting or restricting the sale or issuance of bonds, notes or other obligations of the City. All of the Bonds shall be limited obligations of the City, and shall be fully negotiable, payable, as to both principal and interest, solely from and secured solely by a pledge of (I) the revenues from or arising in connection with the Project, (II) the revenues from or arising in connection with any contracts, mortgages or other securities purchased or otherwise acquired with the proceeds of the Bonds, (III) the contracts, mortgages or other securities purchased or otherwise acquired with the proceeds of the Bonds, or (IV) any combination of (I), (II) or (III), all as the Board may approve by a resolution or resolutions adopted prior to the issuance, sale and delivery of any of the Bonds.

SEC. 6. *And be it further ordained*, That the Borrower shall agree that:

(a) it will submit any plans and specifications for the Project to the Department of Housing and Community Development for approval, and that the Department of Housing and Community Development may refuse approval of any plans and specifications for aesthetic or functional reasons; and

(b) it and its developers will work with the design advisory group appointed by the Department of Housing and Community Development in order to achieve high quality site, building, and landscape design.

SEC. 7. *And be it further ordained*, That the provisions of this Ordinance are severable, and if any provision, sentence, clause, section or part hereof is held illegal, invalid or unconstitutional or inapplicable to any person or circumstances, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, sections,

or parts of this Ordinance or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this Ordinance would have been passed if such illegal, invalid or unconstitutional provision, sentence, clause, section or part had not been included herein, and if the person or circumstances to which this Ordinance or any part hereof are inapplicable had been specifically exempted herefrom.

SEC. 8. *And be it further ordained*, That the Bonds must be issued and sold within six months from the date on which this Ordinance is approved by the Mayor of the City; provided, however, that the Board, after a showing of good cause at a public hearing held before the Board prior to or after the expiration of such six months period, may extend the period during which the Bonds may be issued and sold for one additional term not to exceed six months from the date on which the first six month period expired. The Board, in its sole discretion, and without action by the City Council, shall determine the sufficiency, or lack thereof, of the reasons presented for any requested extension of the six months period. If an extension is granted, notice of such extension and the reasons therefor must be sent to the City Council. To the extent that the Bonds are not issued and sold within twelve months from the date on which this Ordinance is approved by the Mayor of the City, the authority provided in this Ordinance for the City to issue and sell the Bonds shall expire.

SEC. 9. *And be it further ordained*, That this Ordinance shall take effect from the date of its passage.

Approved March 9, 1981.

WILLIAM DONALD SCHAEFER, *Mayor*.



## No. 254

(Council No. 396)

AN ORDINANCE concerning

DESIGNATION OF A RESIDENTIAL  
PLAN DEVELOPMENT

FOR the purpose of approving the application of Curtis Park Associates to have the property (i) located south of Popland Street, east of Pascal Avenue, west of Prudence Street and north of Montevedo Street, and shown as Parcel A on the plat accompanying this ordinance, and (ii) located south of Elmtree Street west of Prudence Street and north of Cypress Street and shown as Parcel B on the plat accompanying this ordinance, designated a Residential Planned Development in accordance with Sections 12.0-1 and 12.0-2 of Article 30 of the Baltimore City Code (1976 Edition), and to approve the development plan submitted by Curtis Park Associates.

WHEREAS, on August 13, 1980, Curtis Park Associates, of Baltimore City, met with the Director of Planning, the designated officer of the Planning Commission of Baltimore City, to hold a Pre-Petition Conference to explain the scope and nature of existing and proposed development on the property in order to institute proceedings to have said property designated a Residential Planned Development; and

WHEREAS, together herewith Curtis Park Associates made formal application to the City Council of Baltimore City and has submitted the requisite development plan to include the requirements specified in Sections 12.0-1 and 12.0-2 of Article 30 of the Code (1976 Edition); now, therefore

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That the application of Curtis Park Associates to have the property (i) located south of Popland Street, east of Pascal Avenue, west of Prudence Street and north of Montevedo Street and shown as Parcel A on the plat accompanying this ordinance, and (ii) located south of Elmtree Street west of Prudence Street and north

of Cypress Street and shown as Parcel B on the plat accompanying this ordinance, designated a Residential Planned Development pursuant to Article 30, Sections 12.0-1 and 12.0-2 of the Baltimore City Code (1976 Edition), be and it is hereby approved.

SEC. 2. *And be it further ordained*, That the Development Plan submitted by Curtis Park Associates, attached hereto and made a part hereof, be and it is hereby approved.

SEC. 3. *And be it further ordained*, That upon passage of this ordinance by the City Council, as evidence of the authenticity of each set of plans which is a part hereof, and approved hereby, and in order to give notice to the departments which are administering the Zoning Ordinance, said set of plans shall be signed by the President of the City Council, and, upon approval of the ordinance, by the Mayor of the City of Baltimore, said set of plans shall be signed by the Mayor of the City of Baltimore, and the City Treasurer shall transmit a copy of the ordinance and one set of plans to the Board of Municipal and Zoning Appeals, a copy of the ordinance and one set of plans to the Planning Commission, and a copy of the ordinance and one set of plans to the Zoning Administrator of Baltimore City.

SEC. 4. *And be it further ordained*, That this ordinance shall take effect from the date of its passage.

Approved March 10, 1981.

WILLIAM DONALD SCHAEFER, *Mayor*.

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No. 255

(Council No. 475)

AN ORDINANCE concerning

INDUSTRIAL DEVELOPMENT REVENUE BONDS—  
(PROFESSIONAL BUILDING PROJECT)

FOR the purpose of authorizing and empowering Mayor and City Council of Baltimore to issue and sell, at any time or from time to time and in one or more series,

as limited obligations of the City and not upon its full faith and credit, its industrial development revenue bonds, to be designated "Baltimore City, Maryland Industrial Development Revenue Bonds (The Professional Building Project)", in the aggregate principal amount not to exceed \$1,250,000, pursuant to the provisions of Sub-section (50) of Article II of the Charter of Baltimore City (1964 Revision), as amended, for the sole and exclusive purpose of financing the costs, charges, fees and expenses in connection with the acquisition and renovation of the property known as The Professional Building, located at 330-336 North Charles Street, and certain improvements in connection therewith, to be owned by 330 Associates, a Maryland limited partnership, and leased to various tenants as first-class office space; authorizing the Mayor of the City to accept, on behalf of the City, a letter of intent of 330 Associates addressed to the City dated December 5, 1980; making certain legislative findings; authorizing and empowering the Board of Finance of the City, prior to the issuance, sale and delivery of such bonds, to adopt a resolution pursuant to which the Board of Finance shall (a) prescribe, among other things but not limited to, the form, terms, provisions, manner or method of issuing and selling, and the time or times of issuance, and any and all other details of such bonds, and (b) do any and all things necessary, proper or expedient in connection with the issuance and sale of such bonds; authorizing the private (negotiated) sale of such bonds; providing that 330 Associates shall agree to submit any plans and specifications to, and to coordinate with, the Department of Housing and Community Development in connection with the acquisition and installation of such project; providing for the expiration of the authorization of the transaction approved by this Ordinance, if such bonds are not issued and sold within six months from the date this Ordinance is approved by the Mayor, ~~unless~~ **UNLESS** the authorization is extended by the Board of Finance as provided in this Ordinance; and generally providing for and determining various matters and details in connection with the authorization, issuance, security, sale and payment of such bonds.



## RECITALS

Sub-section (50) of Article II of the Charter of Baltimore City (1964 Revision), as amended (the "Enabling Law"), empowers Mayor and City Council of Baltimore (the "City") to issue revenue bonds and to use the proceeds of the sale of such revenue bonds to finance undertakings for the accomplishment of any of the purposes, objects and powers of the City. Some of the general objectives of the City, contemplated by the Enabling Law, ~~include~~ INCLUDE the relief of conditions of unemployment in Baltimore City, encouraging the increase of industry and a balanced economy in Baltimore City, promoting economic development in Baltimore City, and promoting the health, welfare and safety of the residents of Baltimore City.

The City has received a letter of intent dated December 5, 1980 (the "Letter of Intent") from 330 Associates, a Maryland limited partnership (the "Borrower"), pursuant to which the Borrower has requested the City to participate in the financing of the costs, charges, fees and expenses in connection with the acquisition by the Borrower of a certain project to be located in Baltimore City, Maryland (the "Project"), by issuing and selling industrial development revenue bonds of the City in the aggregate principal amount not to exceed \$1,250,000 and by loaning the proceeds of such revenue bonds to the Borrower, upon the terms and conditions of a loan agreement to be entered into between the City and the Borrower (the "Loan Agreement"), as permitted by the Enabling Law (such loan being herein referred to as the "Loan").

The Project and the acquisition thereof, will consist generally of (a) the acquisition of three lots of land located at 330-336 North Charles Street in Baltimore City, (b) the renovation of the buildings located thereon, one of which is a 26,000 square foot building known as The Professional Building, and (c) the acquisition and installation in such buildings of any or all other improvements therein as may be necessary or useful in connection with the operation thereof. The Project will

be owned by the Borrower and leased to various tenants for use as first-class office space.

The Loan Agreement will require the Borrower (a) to use the proceeds of the revenue bonds solely to finance the completion of the acquisition of the Project, and (b) to make Loan payments which will be sufficient to enable the City to pay the principal of and interest and premium, if any, on the revenue bonds when and as the same shall become due and payable.

As security for the revenue bonds, the City will enter into either (a) a trust agreement (the "Trust Agreement") with a corporate trustee (the "Trustee") to be appointed by the Board of Finance of the City (the "Board") or (b) an Assignment and Security Agreement (the "Assignment") with (i) the original purchaser of the revenue bonds (the "Original Purchaser"), if on the date of delivery of such revenue bonds the acquisition of the Project has been completed, or (ii) the Original Purchaser and a trustee (which may be the Original Purchaser) (the "Project Fund Trustee"), if on the date of delivery of such revenue bonds the acquisition of the Project has not been completed. Pursuant to the Trust Agreement or the Assignment, the City will assign to the Trustee or, if the Assignment is entered into, the Original Purchaser, its successors and assigns, (among other things) (a) all of the City's right, title and interest in and to and remedies under the Loan Agreement, including (without limitation) any and all security referred to therein, excepting only the right of the City to indemnification by the Borrower and to payments to the City for expenses incurred by the City itself, (b) the receipts and revenues of the City from the Loan, (c) certain moneys which are at any time or from time to time on deposit with the Trustee or the Project Fund Trustee, (d) all right, title and interest in and to and remedies with respect to any and all other property of every description and nature from time to time by delivery or by writing of any kind conveyed, pledged, assigned or transferred, as and for additional security for the revenue bonds, by the City or by anyone on its behalf or with its written consent, to the

Trustee, or, if the Assignment is entered into, the Original Purchaser, its successors or assigns, and (e) all of the City's right, title and interest in and to and remedies under such other documents, including (without limitation) mortgages, deeds of trust, guaranties and security instruments, as the Board shall deem necessary to effectuate the issuance, sale and delivery of the revenue bonds and which the Board shall approve by a resolution or resolutions (the "Resolution") to be adopted by the Board prior to the issuance, sale and delivery of any of the revenue bonds.

The revenue bonds will be sold at a private (negotiated) sale.

NOW THEREFORE, IN ACCORDANCE WITH THE ENABLING LAW:

SECTION 1. *Be it ordained by Mayor and City Council of Baltimore*, That acting pursuant to the Enabling Law, it is hereby found and determined as follows:

(1) The issuance and sale of the revenue bonds by the City pursuant to the Enabling Law in order to lend the proceeds thereof to the Borrower for the sole and exclusive purpose of financing the costs of the Project will facilitate and expedite the completion of the acquisition of the Project by the Borrower.

(2) The completion of the acquisition of the Project by the Borrower and the financing thereof as provided in this Ordinance will serve to promote the general purposes contemplated by the Enabling Law by (a) sustaining jobs and employment in Baltimore City; (b) promoting economic development in Baltimore City; and (c) encouraging the increase of industry and a balanced economy in Baltimore City.

(3) The revenue bonds and the interest thereon shall not be general obligations of the City, and shall not be a pledge of or involve the faith and credit or the taxing power of the City, and shall not constitute a debt of the City, all within the meaning of Section 7 of Article XI of the Constitution of Maryland or within the meaning of



any other constitutional, statutory or charter provision limiting or restricting the sale or issuance of bonds, notes or other obligations of the City. The revenue bonds and the interest thereon shall not constitute or give rise to any pecuniary liability of the City. The revenue bonds and the interest thereon shall be limited obligations of the City, repayable by the City solely from the revenue derived from Loan repayments (both principal and interest) made to the City by the Borrower on account of the Loan and from any other moneys made available to the City for such purpose. If a Trust Agreement is entered into, the proceeds of the revenue bonds will be paid directly to the Trustee to be held and disbursed by the Trustee as provided in the Trust Agreement to be approved by the Board in the Resolution. If an Assignment is entered into, and the Project has not been completed on or before the date of delivery of such revenue bonds, the Board will provide in the Resolution that the proceeds will be paid directly to the Project Fund Trustee and deposited by the Project Fund Trustee into the Project Fund created under the Assignment. If an Assignment is entered into, and the Board finds and determines that the Project has been or will be completed on or before the date of delivery of the revenue bonds, the Board may provide in the Resolution that no Project Fund will be created under the Assignment and that the proceeds of the revenue bonds will be paid directly to the Borrower, or for the account of the Borrower, to be used by the Borrower to pay the costs of, or to reimburse the Borrower for the payment of the costs of, the completion of the Project. Payments of the principal of and premium (if any) and interest on the Loan will be paid by the Borrower directly to the Trustee as provided in the Trust Agreement or to the Original Purchaser, its successors and assigns, as provided in the Assignment, to be approved by the Board in the Resolution. No such moneys will be commingled with the City's funds or will be subject to the absolute control of the City, but will be subject only to such limited supervision and checks as are deemed necessary or desirable by the City to insure that the proceeds of the revenue bonds are used to accomplish the public purposes of the Enabling Law and this Ordinance. The loan form of transaction authorized here-

under shall in no event constitute a capital project within the meaning of any charter or statutory provision. The public purposes expressed in the Enabling Law are to be achieved by facilitating the completion of the Project by the Borrower.

(4) The City will acquire no interest in the Project other than (a) any general interest in the Borrower's property shared by all holders of the Borrower's obligations which rank and are secured equally with the Borrower's obligations pursuant to the Loan Agreement, (b) any lien and security interest created by the Loan Agreement, and (c) any interest created by any other mortgage or deed of trust or other security instrument executed and delivered by the Borrower or any third party as security for the Loan or the revenue bonds as the Board may provide for and approve in the Resolution. The security for the revenue bonds shall be solely and exclusively (a) the absolute, irrevocable and unconditional obligations of the Borrower to make the payments required by the Loan Agreement, (b) moneys realized from the liquidation of any lien and security interest created by the Loan Agreement and of any other lien or security interest created with respect to any property as security for the Loan or the revenue bonds as the Board may provide for and approve in the Resolution, and (c) moneys realized from any guaranty of the revenue bonds or of the Loan as the Board may provide for and approve in the Resolution.

(5) The best interest of the City will be served by selling the revenue bonds at private (negotiated) sale, as authorized by the Enabling Law, upon terms and conditions approved by the Board in the Resolution.

SEC. 2. *And be it further ordained*, That the City is hereby authorized and empowered to issue and sell, at any time or from time to time and in one or more series, and as limited obligations of the City and not upon its full faith and credit, its Baltimore City, Maryland Industrial Development Revenue Bonds (The Professional Building Project), in the aggregate principal amount not to exceed \$1,250,000 (the "Bonds"), subject to the provisions of this Ordinance. The proceeds of the Bonds will be loaned

to the Borrower pursuant to the terms and provisions of the Loan Agreement, to be used by the Borrower for the sole and exclusive purpose of financing the costs, charges, fees, and expenses in connection with the completion of the Project. ANY PROCEEDS OF THE BONDS, AND ANY SUMS EARNED BY INVESTMENT OF THE PROCEEDS OF THE BONDS PRIOR TO DISBURSEMENT, WHICH PROCEEDS AND OTHER SUMS REMAIN UNDISBURSED AFTER PAYMENT IN FULL OF THE COSTS, CHARGES, FEES AND EXPENSES IN CONNECTION WITH THE COMPLETION OF THE PROJECT (OR AFTER MAKING PROVISION FOR THE PAYMENT THEREOF) SHALL BE APPLIED TO THE REDEMPTION OF THE BONDS AT THE EARLIEST PRACTICABLE DATE. The Bonds and the interest thereon shall be limited obligations of the City, repayable by the City solely from the revenue derived from Loan repayments (both principal and interest) made to the City by the Borrower pursuant to the Loan Agreement and from any other moneys made available to the City for such purpose. The security for the Bonds shall be solely and exclusively as provided in Section 1 of this Ordinance.

SEC. 3. *And be it further ordained*, That this Ordinance constitutes the present intent of the City to issue the Bonds, and the Mayor of the City is hereby authorized to accept the Letter of Intent on behalf of the City in order to further evidence the present intent of the City to issue the Bonds in accordance with the terms and provisions of this Ordinance.

SEC. 4. *And be it further ordained*, That each of the Bonds shall bear the descriptive title "Baltimore City, Maryland Industrial Development Revenue Bond (The Professional Building Project)", provided, that the descriptive title may contain such other descriptive information as the Board may prescribe in the Resolution (e.g. "1981 Series"). The Bonds shall bear interest at the rate or rates of interest to be determined by negotiation with the original purchaser or purchasers of the Bonds and to be approved and prescribed by the Board in the Resolution.

SEC. 5. *And be it further ordained*, That the definitive Bonds, which may be engraved, printed or typewritten, in-



cluding any Trustee's Certificate of Authentication to be endorsed thereon if the Trust Agreement is entered into, shall be in such form, not inconsistent with the Enabling Law and the provisions of this Ordinance, as the Board may approve in the Resolution.

SEC. 6. *And be it further ordained*, That the Bonds shall be executed in the name of the City and on its behalf by the Mayor of the City, by his manual or facsimile signature, and by the Director of Finance of the City, by his manual or facsimile signature, and the corporate seal of the City or a facsimile thereof shall be impressed or otherwise reproduced thereon and attested by the Custodian of the City Seal, by his manual signature. The Loan Agreement, the Trust Agreement, or the Assignment and, where applicable, all other documents as the Board shall deem necessary to effectuate the issuance, sale and delivery of the Bonds, shall be executed in the name of the City and on its behalf by the Mayor of the City by his manual or facsimile signature, and the corporate seal of the City or a facsimile thereof shall be impressed or otherwise reproduced thereon and attested by the Custodian of the City Seal by his manual signature. In case any officer whose signature or a facsimile of whose signature shall appear on the Bonds or any of the aforesaid documents shall cease to be such officers before the delivery of the Bonds or any of the other aforesaid documents, such signature or such facsimile shall nevertheless be valid and sufficient for all purposes, the same as if such officer had remained in office until delivery. The Mayor of the City, the Director of Finance of the City, the Custodian of the City Seal and other officials of the City are hereby authorized and empowered to do all such acts and things and execute such documents and certificates as the Board may determine in the Resolution to be necessary to carry out and comply with the provisions hereof.

SEC. 7. *And be it further ordained*, That the Bonds shall be executed, issued and delivered at any time or from time to time and in one or more series and in such amount or amounts not exceeding, in the aggregate, the principal amount of \$1,250,000, as the Board shall prescribe in the Resolution.

SEC. 8. *And be it further ordained*, That the Bonds shall be dated, shall be in such denominations, shall be of such form and tenor, and shall be payable in such amounts, at such times and at such place or places as the Board shall prescribe in the Resolution.

SEC. 9. *And be it further ordained*, That the Bonds may be subject to redemption prior to their stated maturities upon such terms and conditions as the Board shall prescribe in the Resolution.

SEC. 10. *And be it further ordained*, That prior to the issuance, sale and delivery of the Bonds, the Board shall adopt the Resolution pursuant to which the Board shall:

(a) prescribe the form, tenor, terms and conditions of and security for the Bonds;

(b) prescribe the actual amounts, rate or rates of interest (or the method of determining the same), denominations, date, actual maturity or maturities, and the place or places of payment of the Bonds, and the terms and conditions and details under which the Bonds may be called for redemption prior to their stated maturities;

(c) if a Trust Agreement is entered into, appoint a bank having trust powers, or a trust company, as Trustee for the Bonds and, if necessary, appoint a paying agent or agents for the Bonds, which may be the Trustee;

(d) approve the form and contents, and authorize the execution and delivery (where applicable) of (i) the Loan Agreement, (ii) the Trust Agreement or the Assignment, and (iii) such other documents, including (without limitation) mortgages, deeds of trust, guaranties and security instruments as the Board shall deem necessary to approve in order to effectuate the issuance, sale and delivery of the Bonds;

(e) determine the time of execution, issuance, sale and delivery of the Bonds and prescribe any and all other details of the Bonds;

(f) provide for the direct payment by the Borrower of all costs, fees and expenses incurred by or on behalf of the City in connection with the issuance, sale and de-

livery of the Bonds, including (without limitation) costs of printing (if any) and issuing the Bonds, legal expenses and compensation to any person (other than full time employees of the City) performing services by or on behalf of the City in connection therewith;

(g) if the Trust Agreement is entered into, provide for the issuance and sale (subject to the passage of an appropriate ordinance authorizing the same as may be required at the time) of one or more series of additional bonds and one or more series of refunding bonds; and

(h) do any and all things, and authorize the officials of the City to do any and all things, necessary, proper or expedient in connection with the issuance, sale and delivery of the Bonds.

SEC. 11. *And be it further ordained*, That the Loan Agreement and the Trust Agreement or the Assignment shall contain such terms, provisions and conditions, not inconsistent with the Enabling Law and the provisions of this Ordinance, as the Board shall approve in the Resolution.

SEC. 12. *And be it further ordained*, That, as authorized by the Enabling Law, the Bonds shall be sold at private (negotiated) sale upon such terms and conditions as shall be approved by the Board in the Resolution.

SEC. 13. *And be it further ordained*, That the Bonds and the interest thereon shall not be general obligations of the City and shall not be a pledge of or involve the faith and credit or the taxing power of the City, and shall not constitute a debt of the City, all within the meaning of Section 7 of Article XI of the Constitution of Maryland or any other constitutional, statutory or charter provision limiting or restricting the sale or issuance of bonds, notes or other obligations of the City. The Bonds and the interest thereon shall not constitute or give rise to any pecuniary liability of the City. The Bonds, and the interest thereon, shall be limited obligations of the City, the principal of and interest on which Bonds shall be payable by the City solely from the revenue derived from Loan re-



payments (both principal and interest) made to the City by the Borrower on account of the Loan and, to the extent provided by the Board in the Resolution, from the proceeds of the Bonds, and from any other moneys made available to the City for such purpose. If the Trust Agreement is entered into, the proceeds of the Bonds will be paid directly to the Trustee to be held and disbursed by the Trustee as provided in the Trust Agreement to be approved by the Board in the Resolution. If an Assignment is entered into and the Project has not been completed, the Board will provide in the Resolution that the proceeds will be paid directly to the Project Fund Trustee and deposited by the Project Fund Trustee into the Project Fund thereby created under the Assignment, or if the Assignment is entered into and the Board finds and determines that the Project has been or will be completed on or before the date of delivery of the revenue bonds, the Board may provide in the Resolution that the proceeds of the revenue bonds will be paid directly to the Borrower, or for the account of the Borrower, to be used by the Borrower to pay the costs of, or to reimburse the Borrower for payment of the costs of, the completion of the Project, as provided in the Assignment to be approved by the Board in the Resolution. No such moneys will be commingled with the City's funds or will be subject to the absolute control of the City, but will be subject only to such limited supervision and checks as are deemed necessary or desirable by the City to insure that the proceeds of the Bonds are used to accomplish the public purposes of the Enabling Law and this Ordinance.

SEC. 14. *And be it further ordained*, That in consideration of the purchase and acceptance of the Bonds by those who shall hold the Bonds from time to time, the City does hereby, and by the execution and delivery of the Trust Agreement or the Assignment to be approved by the Board shall, set aside and pledge the income and revenue under the Loan Agreement (other than payments to the City for indemnification or to reimburse the City for expenses incurred by the City itself) to the Trustee or, if the Assignment is entered into, the Original Purchaser, its successors and assigns, to be used and applied for the pay-

ment of the principal of and interest on the Bonds. Pursuant to the terms of the Loan Agreement to be approved by the Board in the Resolution, payments sufficient for the prompt payment when due of the principal of, premium, if any, and interest on the Bonds are to be paid by the Borrower to the Trustee for the benefit of the holders of the Bonds, or, if the Assignment is entered into, to the Original Purchaser, its successors and assigns, for the account of the City.

SEC. 15. *And be it further ordained*, That the Borrower shall agree that:

(a) It will submit any plans and specifications for the Project to the Department of Housing and Community Development for approval, and that the Department of Housing and Community Development may refuse approval of any plans and specifications for aesthetic or functional reasons; and

(b) It and its developers will work with the design advisory group appointed by the Department of Housing and Community Development in order to achieve high quality site, building, and landscape design.

SEC. 16. *And be it further ordained*, That the provisions of this Ordinance are severable, and if any provision, sentence, clause, section or part hereof is held illegal, invalid or unconstitutional or inapplicable to any person or circumstances, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this Ordinance or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this Ordinance would have been passed if such illegal, invalid or unconstitutional provision, sentence, clause, section or part had not been included herein, and if the person or circumstances to which this Ordinance or any part hereof are inapplicable had been specifically exempted herefrom.

SEC. 17. *And be it further ordained*, That, if the Bonds are not issued and sold within six months from the date

on which this Ordinance is approved by the Mayor of the City, the authorization provided in this Ordinance for the City to issue and sell the Bonds shall expire; provided, however, that the Board may, after a showing of good cause at a public hearing held before the Board, extend such authorization for one additional term not to exceed six months. The Board, in its sole discretion, shall determine the sufficiency, or lack thereof, of the reasons presented for any requested extension of this Ordinance. If an extension is granted, notice of such extension and the reasons therefor must be sent to the City Council.

SEC. 18. *And be it further ordained*, That this Ordinance shall take effect from the date of its passage.

Approved March 13, 1981.

WILLIAM DONALD SCHAEFER, *Mayor*.

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No. 256

(Council No. 516)

AN ORDINANCE concerning

INDUSTRIAL DEVELOPMENT REVENUE  
BONDS—(HUNTER STREET JOINT VENTURE  
PROJECT)

FOR the purpose of authorizing and empowering Mayor and City Council of Baltimore to issue and sell, at any time or from time to time and in one or more series, as limited obligations of the City and not upon its full faith and credit, its industrial development revenue bonds, in the aggregate principal amount not to exceed \$1,500,000, pursuant to the provisions of Sub-section (50) of Article II of the Charter of Baltimore City (1964 Revision), as amended, for the sole and exclusive purpose of financing the costs of the completion by Hunter Street Joint Venture, a Maryland general partnership, of a certain project in Baltimore City consisting of the acquisition of the real property located



at 210-212 E. Lombard Street in Baltimore City (including the existing improvements thereon), the renovation of certain improvements thereon, and the purchase and installation of certain machinery and equipment therein, to be owned by Hunter Street Joint Venture and leased to one or more tenants for use as office and commercial facilities; authorizing the Mayor of the City, on behalf of the City, to accept the letter of intent dated January 12, 1981 from Hunter Street Joint Venture to the City; making certain legislative findings; authorizing and empowering the Board of Finance of the City, by a resolution or resolutions adopted prior to the issuance, sale and delivery of any series of such bonds, to (a) prescribe, among other things but not limited to, the form, terms, provisions, manner or method of issuing and selling (including negotiated as well as competitive bid sale), and the time or times of issuance, and any and all other details of such bonds, and (b) do any and all things necessary, proper or expedient in connection with the issuance and sale of such bonds; authorizing the Board of Finance to adopt a supplemental resolution or resolutions for certain purposes; authorizing the issuance of notes in anticipation of the issuance of such bonds; providing that Hunter Street Joint Venture shall agree to submit any plans and specifications to, and to coordinate with, the Department of Housing and Community Development in connection with the completion of such project; providing that such bonds (or bond anticipation notes issued in anticipation of the issuance of such bonds) must be issued and sold within six months from the date this Ordinance is approved by the Mayor, unless the Board of Finance approves one six-month extension as provided in this Ordinance; and generally providing for and determining various matters and details in connection with the issuance and sale of such bonds and bond anticipation notes.

### RECITALS

Sub-section (50) of Article II of the Charter of Baltimore City (1964 Revision), as amended (the "Enabling Law"), empowers Mayor and City Council of Baltimore (the "City") to borrow money to finance undertakings

for the accomplishment of any of the purposes, objects and powers of the City and in connection therewith to issue bonds, notes, or other obligations (including refunding bonds, notes or other obligations), all of which shall be fully negotiable, payable, as to both principal and interest, solely from and secured solely by a pledge of (I) the revenues from or arising in connection with the property, facilities, developments and improvements whose financing is undertaken by the issuance of such bonds, notes or other obligations, (II) the revenues from or arising in connection with any contracts, mortgages or other securities purchased or otherwise acquired with the proceeds of such bonds, notes or other obligations, (III) the contracts, mortgages or other securities purchased or otherwise acquired with the proceeds of such bonds, notes or other obligations, or (IV) any combination of (I), (II) or (III). The purposes, objects and powers of the City contemplated by the Enabling Law include the relief of conditions of unemployment in Baltimore City, encouraging the increase of industry and a balanced economy in Baltimore City, promoting economic development in Baltimore City, and promoting the health, welfare and safety of the residents of Baltimore City.

The City has received a letter of intent dated January 12, 1981 (the "Letter of Intent") from Hunter Street Joint Venture, a Maryland general partnership (the "Borrower"), pursuant to which the Borrower has requested the City to participate in the financing of the costs of the completion by the Borrower of a certain project in Baltimore City, Maryland (the "Project"), by issuing and selling the City's industrial development revenue bonds in the aggregate principal amount not to exceed \$1,500,000 (the "Bonds"), and by making the proceeds of the Bonds available to the Borrower to be used by the Borrower for the sole and exclusive purpose of financing the costs of the completion of the Project by the Borrower.

The Project will consist generally of (a) the acquisition of a tract of land containing approximately 5,600 square feet located at 210-212 E. Lombard Street in

Baltimore City and the existing improvements thereon consisting of, among other things, two four-story loft buildings, (b) the renovation of the existing improvements thereon for office and commercial space, and (c) the acquisition and installation in such improvements of any and all machinery and equipment as may be necessary or useful in connection with the operation thereof. Upon completion, the Project will be owned by the Borrower and leased to one or more tenants for use as office and commercial facilities. The identity of the tenant or tenants has not yet been determined.

The Enabling Law provides that the City may authorize and empower the Board of Finance of the City (the "Board") by resolution to determine and set forth the form, terms, provisions, manner or method of issuing and selling (including negotiated as well as competitive bid sale), and the time or times of issuance, and any and all other details of the Bonds and the issuance and sale thereof, and to do any and all things necessary, proper or expedient in connection with the issuance and sale of the Bonds.

NOW THEREFORE, IN ACCORDANCE WITH THE ENABLING LAW:

SECTION 1. *Be it ordained by Mayor and City Council of Baltimore*, That acting pursuant to the Enabling Law, it is hereby found and determined as follows:

(1) The issuance and sale of the Bonds by the City pursuant to the Enabling Law in order to make the proceeds thereof available to the Borrower for the sole and exclusive purpose of financing the costs of completion of the Project will facilitate and expedite the completion of the Project by the Borrower.

(2) The completion of the Project by the Borrower and the financing of the costs of such completion as provided in this Ordinance will serve to promote the general purposes contemplated by the Enabling Law by (a) sustaining and increasing jobs and employment in Baltimore City; (b) promoting economic development in Baltimore City; and (c) encouraging the increase of industry and a balanced economy in Baltimore City.



(3) Any and all of the Bonds shall not be general obligations of the City and shall not be a pledge of or involve the faith and credit or the taxing power of the City, and shall not constitute a debt of the City, all within the meaning of Section 7 of Article XI of the Constitution of Maryland or within the meaning of any other constitutional, statutory or charter provision limiting or restricting the sale or issuance of bonds, notes or other obligations of the City. All of the Bonds shall be limited obligations of the City, and shall be fully negotiable, payable, as to both principal and interest, solely from and secured solely by a pledge of (I) the revenues from or arising in connection with the Project, (II) the revenues from or arising in connection with any contracts, mortgages or other securities purchased or otherwise acquired with the proceeds of the Bonds, (III) the contracts, mortgages or other securities purchased or otherwise acquired with the proceeds of the Bonds, or (IV) any combination of (I), (II) or (III), all as the Board may approve by a resolution or resolutions adopted prior to the issuance, sale and delivery of any of the Bonds.

SEC. 2. *And be it further ordained,* That the City is hereby authorized and empowered to issue and sell, at any time or from time to time and in one or more series, as limited obligations of the City and not upon its full faith and credit, its industrial development revenue bonds, in the aggregate principal amount not to exceed \$1,500,000, subject to the provisions of this Ordinance. The proceeds of the Bonds will be made available to the Borrower under terms and conditions approved by the Board and set forth in a Resolution, and used by the Borrower for the sole and exclusive purpose of financing the costs of the completion of the Project. ANY PROCEEDS OF THE BONDS, AND ANY SUMS EARNED BY INVESTMENT OF THE PROCEEDS OF THE BONDS PRIOR TO DISBURSEMENT, WHICH PROCEEDS AND OTHER SUMS REMAIN UNDISBURSED AFTER PAYMENT IN FULL OF THE COSTS OF THE COMPLETION OF THE PROJECT (OR AFTER MAKING PROVISION FOR THE PAYMENT THEREOF) SHALL BE APPLIED TO THE REDEMPTION OF THE BONDS AT THE EARLIEST PRACTICABLE REDEMPTION DATE.

SEC. 3. *And be it further ordained*, That this Ordinance constitutes the present intent of the City to issue the Bonds, and the Mayor of the City is hereby authorized to accept the Letter of Intent on behalf of the City in order to further evidence the present intent of the City to issue the Bonds in accordance with the terms and provisions of this Ordinance.

SEC. 4. *And be it further ordained*, That, as permitted by the Enabling Law, the Board is hereby authorized and empowered, by a resolution or resolutions adopted prior to the issuance, sale and delivery of any of the Bonds, to:

(a) prescribe, among other things but not limited to, the form, terms, provisions, manner or method of issuing and selling (including negotiated as well as competitive bid sale), and the time or times of issuance, and any and all other details of the Bonds and the issuance and sale thereof;

(b) approve (i) the pledge or assignment by the City of any of the security described in Section 6 of this Ordinance, pursuant to a trust agreement or similar agreement, (ii) the form of any such trust agreement or similar agreement, as provided in the Enabling Law, and (iii) such provisions in any such trust agreement or similar agreement as the Board may deem reasonable and proper for the security of the holders of the Bonds;

(c) approve the terms and conditions, including but not limited to the terms and conditions of any documents to be executed and delivered by the City (other than customary financing statements and closing certificates), under which the proceeds of the Bonds will be made available to the Borrower to finance the costs of the completion of the Project; and

(d) do any and all things necessary, proper or expedient in connection with the issuance, sale and delivery of the Bonds.

SEC. 5. *And be it further ordained*, That the Board is hereby authorized and empowered to adopt a resolution or resolutions from time to time, either before or after the issuance, sale and delivery of the Bonds, to supple-

ment the resolution or resolutions referred to in Sections 4 and 8 of this Ordinance, and to approve thereby amendments or supplements to or substitutes for the forms and terms, conditions and provisions of the Bonds, the trust agreement or similar agreement and all other documents approved by such resolution or resolutions, provided that each such supplemental resolution and each such amendment, supplement or substitute shall be in accord with the provisions of the Enabling Law and this Ordinance.

SEC. 6. *And be it further ordained*, That any and all of the Bonds shall not be general obligations of the City and shall not be a pledge of or involve the faith and credit or the taxing power of the City, and shall not constitute a debt of the City, all within the meaning of Section 7 of Article XI of the Constitution of Maryland or any other constitutional, statutory or charter provision limiting or restricting the sale or issuance of bonds, notes or other obligations of the City. All of the Bonds shall be limited obligations of the City, and shall be fully negotiable, payable, as to both principal and interest, solely from and secured solely by a pledge of (I) the revenues from or arising in connection with the Project, (II) the revenues from or arising in connection with any contracts, mortgages or other securities purchased or otherwise acquired with the proceeds of the Bonds, (III) the contracts, mortgages or other securities purchased or otherwise acquired with the proceeds of the Bonds, or (IV) any combination of (I), (II) or (III), all as the Board may approve by a resolution or resolutions adopted prior to the issuance, sale and delivery of any of the Bonds.

SEC. 7. *And be it further ordained*, That the Bonds shall be executed in the name of the City and on its behalf by the Mayor of the City, by his manual or facsimile signature, and by the Director of Finance of the City, by his manual or facsimile signature, and the corporate seal of the City or a facsimile thereof shall be impressed or otherwise reproduced thereon and attested by the Custodian of the City Seal, by his manual signature. The trust agreement or similar agreement and all other documents approved in the resolution or resolutions referred to in Sections 4 and 8 of this Ordinance, and all amendments



thereto, if any, approved in the resolution referred to in Section 5 of this Ordinance, shall be executed in the name of the City and on its behalf by the Mayor of the City by his manual signature, and the corporate seal of the City or a facsimile thereof shall be impressed or otherwise reproduced thereon and attested by the Custodian of the City Seal by his manual signature. In case any officer whose signature or a facsimile of whose signature shall appear on the Bonds or any of the aforesaid documents shall cease to be such officer before the delivery of the Bonds or any of the other aforesaid documents, such signature or such facsimile shall nevertheless be valid and sufficient for all purposes, the same as if such officer had remained in office until delivery. The Mayor of the City, the Director of Finance of the City, the Custodian of the City Seal and other officials of the City are hereby authorized and empowered to do all such acts and things and execute such documents and certificates as the Board may determine in the resolutions referred to in Section 4 and Section 5 of this Ordinance to be necessary to carry out and comply with the provisions hereof.

SEC. 8. *And be it further ordained*, That the authority to issue the Bonds is intended and shall be deemed to include the authority to issue bond anticipation notes pursuant to Section 12 of Article 31 of the Annotated Code of Maryland (1976 Replacement Volume and 1980 Cumulative Supplement), as amended (the "Bond Anticipation Note Enabling Legislation"). Reference in this Ordinance to the "Bonds" shall include such bond anticipation notes where appropriate. As permitted by the Enabling Law and the Bond Anticipation Note Enabling Legislation, the Board is hereby authorized and empowered, by a resolution or resolutions adopted prior to the issuance, sale and delivery of any of such bond anticipation notes, to:

(a) prescribe, among other things but not limited to, the form, terms, provisions, manner or method of issuing and selling (including negotiated as well as competitive bid sale), and the time or times of issuance, and any and all other details of such bond anticipation notes and the issuance and sale thereof;

(b) approve (i) the pledge or assignment by the City of any of the security described in Section 6 of this Ordinance, pursuant to a trust agreement or similar agreement, (ii) the form of any such trust agreement or similar agreement, as provided in the Enabling Law, and (iii) such provisions in any such trust agreement or similar agreement as the Board may deem reasonable and proper for the security of the holders of such bond anticipation notes;

(c) approve the terms and conditions, including but not limited to the terms and conditions of any documents to be executed and delivered by the City (other than customary financing statements and closing certificates), under which the proceeds of such bond anticipation notes will be made available to the Borrower to finance the costs of the completion of the Project; and

(d) do any and all things necessary, proper or expedient in connection with the issuance, sale and delivery of such bond anticipation notes.

In accordance with the Bond Anticipation Note Enabling Legislation, the City hereby covenants to pay any bond anticipation notes issued pursuant to this Section of this Ordinance and the interest thereon from the proceeds of the Bonds in anticipation of the sale of which such notes are issued, and the City hereby further covenants to issue such Bonds when, and as soon as, the reason for deferring the issuance of the Bonds no longer exists. The timely issuance of such Bonds, however, is dependent upon matters not within the control of the City, including (without limitation) the existence of a purchaser or purchasers for such Bonds at the time the reason for deferring the issuance of the Bonds no longer exists and the effectiveness of various actions taken by the Borrower, its officers, agents and employees.

SEC. 9. *And be it further ordained*, That the Borrower shall agree that:

(a) it will submit any plans and specifications for the Project to the Department of Housing and Community Development for approval, and that the Department of Housing and Community Development may refuse approval

of any plans and specifications for aesthetic or functional reasons; and

(b) it and its developers will work with the design advisory group appointed by the Department of Housing and Community Development in order to achieve high quality site, building, and landscape design.

SEC. 10. *And be it further ordained*, That the provisions of this Ordinance are severable, and if any provision, sentence, clause, section or part hereof is held illegal, invalid or unconstitutional or inapplicable to any person or circumstances, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this Ordinance or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this Ordinance would have been passed if such illegal, invalid or unconstitutional provision, sentence, clause, section or part had not been included herein, and if the person or circumstances to which this Ordinance or any part hereof are inapplicable had been specifically exempted herefrom.

SEC. 11. *And be it further ordained*, That either the Bonds or bond anticipation notes issued pursuant to Section 8 of this Ordinance in anticipation of the issuance of the Bonds must be issued and sold within six months from the date on which this Ordinance is approved by the Mayor of the City; provided, however, that the Board, after a showing of good cause at a public hearing held before the Board prior to or after the expiration of such six-month period, may extend the period during which either the Bonds or such bond anticipation notes may be issued and sold for one additional term not to exceed six months from the date on which the first six-month period expired. The Board, in its sole discretion, and without action by the City Council, shall determine the sufficiency, or lack thereof, of the reasons presented for any requested extension of the six-month period. If an extension is granted, notice of such extension and the reasons therefor must be sent to the City Council. To the extent that neither the Bonds nor such bond anticipation notes are issued and sold



within twelve months from the date on which this Ordinance is approved by the Mayor of the City, the authority provided in this Ordinance for the City to issue and sell the Bonds and such bond anticipation notes shall expire.

SEC. 12. *And be it further ordained*, That this Ordinance shall take effect from the date of its passage.

Approved March 13, 1981.

WILLIAM DONALD SCHAEFER, *Mayor*.

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No. 257

(Council No. 518)

AN ORDINANCE concerning

INDUSTRIAL DEVELOPMENT REVENUE  
BONDS—(CHURCHILL SQUARE JOINT  
VENTURE PROJECT)

FOR the purpose of authorizing and empowering Mayor and City Council of Baltimore to issue and sell, at any time or from time to time and in one or more series, as limited obligations of the City and not upon its full faith and credit, its industrial development revenue bonds, in the aggregate principal amount not to exceed \$2,500,000, pursuant to the provisions of Sub-section (50) of Article II of the Charter of Baltimore City (1964 Revision), as amended, for the sole and exclusive purpose of financing the costs of the completion by Churchill Square Joint Venture, a Maryland partnership, of a certain project in Baltimore City consisting of the acquisition of the improved parcel of real property known as 814 through 828 Light Street and the unimproved parcel of real property known as ~~837~~ 37 through ~~843~~ 43 East Montgomery Street in Baltimore City, together with all improvements thereon, the rehabilitation, renovation and remodeling of certain improvements thereon, the purchase and installation of certain machinery and equipment therein, and the acquisition

of certain other related interests in real or personal property to be owned and operated by Churchill Square Joint Venture and leased to various tenants for use as a shopping/office center complex known as "Churchill Square"; authorizing the Mayor of the City, on behalf of the City, to accept the letter of intent dated January 12, 1981 from Churchill Square Joint Venture to the City; making certain legislative findings; authorizing and empowering the Board of Finance of the City, by a resolution or resolutions adopted prior to the issuance, sale and delivery of any series of such bonds, to (a) prescribe, among other things but not limited to, the form, terms, provisions, manner or method of issuing and selling (including negotiated as well as competitive bid sale), and the time or times of issuance, and any and all other details of such bonds, and (b) do any and all things necessary, proper or expedient in connection with the issuance and sale of such bonds; providing that Churchill Square Joint Venture shall agree to submit any plans and specifications to, and to coordinate with, the Department of Housing and Community Development in connection with the completion of such project; providing that such bonds must be issued and sold within six months from the date this Ordinance is approved by the Mayor, unless the Board of Finance approves one six months extension as provided in this Ordinance; and generally providing for and determining various matters and details in connection with the issuance and sale of such bonds.

### RECITALS

Sub-section (50) of Article II of the Charter of Baltimore City (1964 Revision), as amended (the "Enabling Law"), empowers Mayor and City Council of Baltimore (the "City") to borrow money to finance undertakings for the accomplishment of any of the purposes, objects and powers of the City and in connection therewith to issue bonds, notes, or other obligations (including refunding bonds, notes or other obligations), all of which shall be fully negotiable, payable, as to both principal and interest, solely from and secured solely by a pledge of (I) the revenues from or arising in connection

with the property, facilities, developments and improvements whose financing is undertaken by the issuance of such bonds, notes or other obligations, (II) the revenues from or arising in connection with any contracts, mortgages or other securities purchased or otherwise acquired with the proceeds of such bonds, notes or other obligations, (III) the contracts, mortgages or other securities purchased or otherwise acquired with the proceeds of such bonds, notes or other obligations, or (IV) any combination of (I), (II) or (III). The purposes, objects and powers of the City contemplated by the Enabling Law include the relief of conditions of unemployment in Baltimore City, encouraging the increase of industry and a balanced economy in Baltimore City, promoting economic development in Baltimore City, and promoting the health, welfare and safety of the residents of Baltimore City.

The City has received a letter of intent dated January 12, 1981 (the "Letter of Intent") from Churchill Square Joint Venture, a Maryland partnership (the "Borrower"), pursuant to which the Borrower has requested the City to participate in the financing of the costs of the completion by the Borrower of a certain project in Baltimore City, Maryland (the "Project"), by issuing and selling the City's industrial development revenue bonds in the aggregate principal amount not to exceed \$2,500,000 (the "Bonds"), and by making the proceeds of the Bonds available to the Borrower to be used by the Borrower for the sole and exclusive purpose of financing the costs of the completion of the Project by the Borrower.

The Project will consist generally of (a) the acquisition of the improved parcel of real property known as 814 through 828 Light Street and the unimproved parcel of real property known as ~~837~~ 37 through ~~843~~ 43 East Montgomery Street, in Baltimore City, together with all improvements thereon, (b) the rehabilitation, renovation and remodeling of the improvements thereon, (c) the acquisition and installation in such improvements of any or all machinery and equipment as may be necessary or useful in connection with the operation of the Project, and (d) the acquisition of such other interests



in land as may be necessary or suitable for the Project, including roads and rights of access, utilities and other necessary site preparation facilities. Upon completion, the Project will be owned and operated by the Borrower and leased to various tenants for use as a shopping/office center complex known as "Churchill Square".

The Enabling Law provides that the City may authorize and empower the Board of Finance of the City (the "Board") by resolution to determine and set forth the form, terms, provisions, manner or method of issuing and selling (including negotiated as well as competitive bid sale), and the time or times of issuance, and any and all other details of the Bonds and the issuance and sale thereof, and to do any and all things necessary, proper or expedient in connection with the issuance and sale of the Bonds.

NOW THEREFORE, IN ACCORDANCE WITH THE ENABLING LAW:

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That acting pursuant to the Enabling Law, it is hereby found and determined as follows:

(1) The issuance and sale of the Bonds by the City pursuant to the Enabling Law in order to make the proceeds thereof available to the Borrower for the sole and exclusive purpose of financing the costs of completion of the Project will facilitate and expedite the completion of the Project by the Borrower.

(2) The completion of the Project by the Borrower and the financing of the costs of such completion as provided in this Ordinance will serve to promote the general purposes contemplated by the Enabling Law by (a) sustaining jobs and employment in Baltimore City; (b) promoting economic development in Baltimore City; and (c) encouraging the increase of industry and a balanced economy in Baltimore City.

(3) Any and all of the Bonds shall not be general obligations of the City and shall not be a pledge of or involve the faith and credit or the taxing power of the City, and shall not constitute a debt of the City, all within

the meaning of Section 7 of Article XI of the Constitution of Maryland or within the meaning of any other constitutional, statutory or charter provision limiting or restricting the sale or issuance of bonds, notes or other obligations of the City. All of the Bonds shall be limited obligations of the City, and shall be fully negotiable, payable, as to both principal and interest, solely from and secured solely by a pledge of (I) the revenues from or arising in connection with the Project, (II) the revenues from or arising in connection with any contracts, mortgages or other securities purchased or otherwise acquired with the proceeds of the Bonds, (III) the contracts, mortgages or other securities purchased or otherwise acquired with the proceeds of the Bonds, or (IV) any combination of (I), (II) or (III), all as the Board may approve by a resolution or resolutions adopted prior to the issuance, sale and delivery of any of the Bonds.

SEC. 2. *And be it further ordained*, That the City is hereby authorized and empowered to issue and sell, at any time or from time to time and in one or more series, as limited obligations of the City and not upon its full faith and credit, its industrial development revenue bonds, in the aggregate principal amount not to exceed \$2,500,000, subject to the provisions of this Ordinance. The proceeds of the Bonds will be made available to the Borrower under terms and conditions approved by the Board and set forth in a Resolution, and used by the Borrower for the sole and exclusive purpose of financing the costs of the completion of the Project.

SEC. 3. *And be it further ordained*, That this Ordinance constitutes the present intent of the City to issue the Bonds, and the Mayor of the City is hereby authorized to accept the Letter of Intent on behalf of the City in order to further evidence the present intent of the City to issue the Bonds in accordance with the terms and provisions of this Ordinance.

SEC. 4. *And be it further ordained*, That, as permitted by the Enabling Law, the Board is hereby authorized and empowered, by a resolution or resolutions adopted prior to the issuance, sale and delivery of any of the Bonds, to:

(a) prescribe, among other things but not limited to, the form, terms, provisions, manner or method of issuing and selling (including negotiated as well as competitive bid sale), and the time or times of issuance, and any and all other details of the Bonds and the issuance and sale thereof;

(b) approve (i) the pledge or assignment by the City of any of the security described in Section 5 of this Ordinance, pursuant to a trust agreement or similar agreement, (ii) the form of any such trust agreement or similar agreement, as provided in the Enabling Law, and (iii) such provisions in any such trust agreement or similar agreement as the Board may deem reasonable and proper for the security of the holders of the Bonds;

(c) approve the terms and conditions, including but not limited to the terms and conditions of any documents to be executed and delivered by the City (other than customary financing statements and closing certificates), under which the proceeds of the Bonds will be made available to the Borrower to finance the costs of the completion of the Project; and

(d) do any and all things necessary, proper or expedient in connection with the issuance, sale and delivery of the Bonds.

SEC. 5. *And be it further ordained*, That any and all of the Bonds shall not be general obligations of the City and shall not be a pledge of or involve the faith and credit or the taxing power of the City, and shall not constitute a debt of the City, all within the meaning of Section 7 of Article XI of the Constitution of Maryland or any other constitutional, statutory or charter provision limiting or restricting the sale or issuance of bonds, notes or other obligations of the City. All of the Bonds shall be limited obligations of the City, and shall be fully negotiable, payable, as to both principal and interest, solely from and secured solely by a pledge of (I) the revenues from or arising in connection with the Project, (II) the revenues from or arising in connection with any contracts, mortgages or other securities purchased or otherwise acquired with the proceeds of the Bonds, (III) the contracts,



mortgages or other securities purchased or otherwise acquired with the proceeds of the Bonds, or (IV) any combination of (I), (II) or (III), all as the Board may approve by a resolution or resolutions adopted prior to the issuance, sale and delivery of any of the Bonds.

SEC. 6. *And be it further ordained*, That the Borrower shall agree that:

(a) it will submit any plans and specifications for the Project to the Department of Housing and Community Development for approval, and that the Department of Housing and Community Development may refuse approval of any plans and specifications for aesthetic or functional reasons; and

(b) it and its developers will work with the design advisory group appointed by the Department of Housing and Community Development in order to achieve high quality site, building, and landscape design.

SEC. 7. *And be it further ordained*, That the Bonds shall be executed in the name of the City and on its behalf by the Mayor of the City, by his manual or facsimile signature, and by the Director of Finance of the City, by his manual or facsimile signature, and the corporate seal of the City or a facsimile thereof shall be impressed or otherwise reproduced thereon and attested by the Custodian of the City Seal, by his manual signature. Any documents deemed necessary by the Board to effectuate the issuance, sale and delivery of the Bonds, shall be executed in the name of the City and on its behalf by the Mayor of the City by his manual or facsimile signature, and the corporate seal of the City or a facsimile thereof shall be impressed or otherwise reproduced thereon and attested by the Custodian of the City Seal by his manual signature. In case any officer whose signature or a facsimile of whose signature shall appear on the Bonds or any of the aforesaid documents shall cease to be such officer before the delivery of the Bonds or any of the other aforesaid documents, such signature or such facsimile shall nevertheless be valid and sufficient for all purposes, the same as if such officer had remained in office until delivery. The Mayor of the City, the Director of Finance of

the City, the Custodian of the City Seal and other officials of the City are hereby authorized and empowered to do all such acts and things and execute such documents and certificates as the Board may determine in the Resolution to be necessary to carry out and comply with the provisions hereof.

SEC. 8. *And be it further ordained*, That the provisions of this Ordinance are severable, and if any provision, sentence, clause, section or part hereof is held illegal, invalid or unconstitutional or inapplicable to any person or circumstances, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this Ordinance or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this Ordinance would have been passed if such illegal, invalid or unconstitutional provision, sentence, clause, section or part had not been included herein, and if the person or circumstances to which this Ordinance or any part hereof are inapplicable had been specifically exempted herefrom.

SEC. 9. *And be it further ordained*, That the Bonds must be issued and sold within six months from the date on which this Ordinance is approved by the Mayor of the City; provided, however, that the Board, after a showing of good cause at a public hearing held before the Board prior to or after the expiration of such six months period, may extend the period during which the Bonds may be issued and sold for one additional term not to exceed six months from the date on which the first six months period expired. The Board, in its sole discretion, and without action by the City Council, shall determine the sufficiency, or lack thereof, of the reasons presented for any requested extension of the six months period. If an extension is granted, notice of such extension and the reasons therefor must be sent to the City Council. To the extent that the Bonds are not issued and sold within twelve months from the date on which this Ordinance is approved by the Mayor of the City, the authority provided in this Ordinance for the City to issue and sell the Bonds shall expire.

SEC. 10. *And be it further ordained*, That this Ordinance shall take effect from the date of its passage.

Approved March 13, 1981.

WILLIAM DONALD SCHAEFER, *Mayor*.

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No. 258

(Council No. 538)

AN ORDINANCE concerning

INDUSTRIAL DEVELOPMENT REVENUE BONDS,  
OR IN THE ALTERNATIVE, A LOAN PURSUANT  
TO THE MARYLAND INDUSTRIAL DEVELOPMENT  
FINANCING AUTHORITY ACT, FOR THE BENEFIT  
OF BERLIN ENTERPRISES, INC.

FOR the purpose of authorizing and empowering Mayor and City Council of Baltimore to either (a) borrow, as a limited obligation and not upon the faith and credit of the City, a sum of money not to exceed \$1,700,000, pursuant to the Maryland Industrial Development Financing Authority Act, or (b) issue and sell, at any time or from time to time and in one or more series, as limited obligations of the City and not upon its full faith and credit, its industrial development revenue bonds, in the aggregate principal amount not to exceed \$1,700,000, pursuant to the provisions of Sub-section (50) of Article II of the Charter of Baltimore City (1964 Revision), as amended, in either event for the sole and exclusive purpose of financing the costs of the acquisition by Berlin Enterprises, Inc., an Illinois corporation, of a certain project in Baltimore City, consisting of the acquisition of the real property located at 6401 Quad Avenue in Baltimore City, together with the existing improvements thereon, the further improvement of such real property, the purchase and installation of certain machinery and equipment therein, and the acquisition of such other interests in land as may be



necessary or suitable for the project, to be owned by Berlin Enterprises, Inc., and leased to M. R. Berlin Co., Inc., an Illinois corporation doing business in Maryland as Baltimore Tin Plate, Inc., for use as a steel service center in which it will acquire steel from domestic steel producing sources, and cut, sheer and otherwise process such steel; authorizing the Mayor and other appropriate officials of the City, on behalf of the City, (a) to accept the letter of intent dated February 12, 1981 from Berlin Enterprises, Inc. to the City, and (b) to execute any and all documents necessary to effectuate and to secure payment of such financing; making certain legislative findings; authorizing and empowering the Board of Finance of the City, in connection with any issuance of industrial development revenue bonds, by a resolution or resolutions adopted prior to the issuance, sale and delivery of any series of such bonds, to (a) prescribe, among other things but not limited to, the form, terms, provisions, manner or method of issuing and selling (including negotiated as well as competitive bid sale), and the time or times of issuance, and any and all other details of such bonds, and (b) do any and all things necessary, proper or expedient in connection with the issuance and sale of such bonds; authorizing and empowering the Board of Estimates of the City, in connection with any borrowing by the City pursuant to the Maryland Industrial Development Financing Authority Act, to approve, prior to any such borrowing, the terms and provisions and form and substance of any and all documents and instruments to be executed or entered into by the City in connection therewith; providing that Berlin Enterprises, Inc. shall agree to submit any plans and specifications to, and to coordinate with, the Department of Housing and Community Development in connection with the completion of such project; providing that such bonds must be issued and sold, or such borrowing must be consummated, within six months from the date this Ordinance is approved by the Mayor, unless an extension of such authorization is granted, as provided in this Ordinance; authorizing the issuance of notes in anticipation of such borrowing or the issuance of such revenue bonds; and generally providing for and

determining various matters and details in connection with such financing.

BY authority of

MIDFA Act — Title 13, Sections 13-101 through 13-155, inclusive, of the Financial Institutions Article of the Annotated Code of Maryland (1980 Volume and 1980 Supplement), as amended; and

Sub-section (50) of Article II of the Charter of Baltimore City (1964 Revision), as amended.

### RECITALS

WHEREAS, Section 13-140 of Title 13 and Sections 13-101 through 13-155, inclusive, of the Financial Institutions Article of the Annotated Code of Maryland (1980 Volume and 1980 Supplement), as amended (the "MIDFA Act"), authorizes, among other things, a public body of the State of Maryland (the "State"), to borrow money without pledging its faith and credit in support of a loan made under the MIDFA Act and to execute a mortgage to secure the mortgage loan, for the purpose of defraying the cost of acquiring any industrial project approved by the Maryland Industrial Development Financing Authority ("MIDFA"); and

WHEREAS, Section 13-141 of the MIDFA Act provides that the funds to be borrowed by the public body shall be utilized in connection with a "bona fide industrial project" as evidenced by a letter of intent or similar agreement between the prospective industrial project applicant and the public body borrowing the money; and

WHEREAS, Section 13-140 of the MIDFA Act provides that the public body of the State may borrow money to relend to an industrial project applicant under Section 13-151, and Section 13-151 of the MIDFA Act provides that, at its option, the industrial project applicant may be the mortgagor instead of the public body and give a mortgage to the mortgagee (as defined in the MIDFA Act) or directly to the public body to be assigned to the mortgagee; and

WHEREAS, Sub-section (50) of Article II of the Charter of Baltimore City (1964 Revision), as amended (the

"Charter"), empowers Mayor and City Council of Baltimore (the "City") to borrow money to finance undertakings for the accomplishment of any of the purposes, objects and powers of the City and in connection therewith to issue bonds, notes, or other obligations (including refunding bonds, notes or other obligations), all of which shall be fully negotiable, payable, as to both principal and interest, solely from and secured solely by a pledge of (I) the revenues from or arising in connection with the property, facilities, developments and improvements whose financing is undertaken by the issuance of such bonds, notes or other obligations, (II) the revenues from or arising in connection with any contracts, mortgages or other securities purchased or otherwise acquired with the proceeds of such bonds, notes or other obligations, (III) the contracts, mortgages or other securities purchased or otherwise acquired with the proceeds of such bonds, notes or other obligations, or (IV) any combination of (I), (II) or (III); and

WHEREAS, the purposes, objects and powers of the City contemplated by the Charter include the relief of conditions of unemployment in Baltimore City, encouraging the increase of industry and a balanced economy in Baltimore City, promoting economic development in Baltimore City, and promoting the health, welfare and safety of the residents of Baltimore City; and

WHEREAS, the City, a "public body" as defined in Section 13-101(0) of the MIDFA Act, has received a letter of intent dated February 12, 1981 (the "Letter of Intent") from Berlin Enterprises, Inc., an Illinois corporation and an "industrial project applicant" as mentioned in Section 13-141(c)(2) of the MIDFA Act (the "Borrower"), pursuant to which the Borrower has requested the City to participate in the financing of the costs of the acquisition by the Borrower of a certain industrial project in Baltimore City, Maryland (the "Project"), by either (a) borrowing from a "mortgagee" within the meaning of the MIDFA Act a sum not to exceed \$1,700,000, to be evidenced by the promissory note or notes, bond or bonds, or other obligations of the City (collectively, the "Note") pursuant to the



MIDFA Act, or (b) issuing and selling the City's industrial development revenue bonds in the aggregate principal amount not to exceed \$1,700,000 (the "Bonds"), pursuant to the Charter; and by making the proceeds of the Note or the Bonds, as the case may be, available to the Borrower to be used by the Borrower for the sole and exclusive purpose of financing the costs of the acquisition of the Project by the Borrower; and

WHEREAS, the Project, which is an "undertaking" which will accomplish the purposes, objects and powers of the City as mentioned in the Charter, and an "industrial project" as defined in Section 13-101(g) of the MIDFA Act and a "bona fide industrial project" as contemplated by Section 13-141(c) (2) of the MIDFA Act, will consist of (a) the acquisition of an approximately six acre tract of land located at 6401 Quad Avenue, in Baltimore City, including the building already existing thereon consisting of a factory and office space of approximately 103,000 square feet and warehouse space of approximately 28,000 square feet, (b) further improvement of such real property, (c) the acquisition and installation in such building of such machinery and equipment, and any or all other improvements therein, as may be necessary or useful in connection with the operation of the Lessee's business, and (d) the acquisition of such other interests in land as may be necessary or suitable for the foregoing, including roads and rights of access, utilities and other necessary site preparation facilities, for use by M. R. Berlin Co., Inc., an Illinois corporation doing business in Maryland as Baltimore Tin Plate, Inc., and an "industrial project occupant" as contemplated by the MIDFA Act (the "Lessee"), as a steel service center in which it will acquire steel from domestic steel producing sources, and cut, sheer, and otherwise process such steel in accordance with its business needs; and

WHEREAS, the Project and the proposed financing thereof have been submitted to MIDFA for approval at its February 26, 1981 meeting; and

WHEREAS, because the Project will not be considered by MIDFA until after this Ordinance is submitted to

the City for pre-filing, the Applicant has requested the City to approve both a loan pursuant to the MIDFA Act and the issuance of industrial development revenue bonds pursuant to the Charter, in the alternative, it being understood that such financing may be accomplished either pursuant to the MIDFA Act or the Charter, at the option of the Borrower, but not both; and

WHEREAS, the Charter provides that, if the City should issue the Bonds pursuant to the Charter, the City may authorize and empower the Board of Finance of the City (the "Board of Finance"), by resolution, to determine and set forth the form, terms, provisions, manner or method of issuing and selling (including negotiated as well as competitive bid sale), and the time or times of issuance, and any and all other details of the Bonds and the issuance and sale thereof, and to do any and all things necessary, proper or expedient in connection with the issuance and sale of the Bonds.

NOW THEREFORE, IN ACCORDANCE WITH THE CHARTER AND THE MIDFA ACT:

SECTION 1. *Be it ordained by Mayor and City Council of Baltimore*, That acting pursuant to the MIDFA Act, it is hereby found and determined as follows:

(a) the financing of the acquisition of the Project will fulfill and accomplish the declared purposes of the MIDFA Act, which are to further industrial expansion in the State and discourage the relocation of industry outside the State, to increase employment, and to provide a larger taxable base for the economy of the State, resulting in new and expanded industrial enterprises to provide enlarged opportunities for gainful employment by the people of the State, and thus to insure the preservation and betterment of the economy of the State; and, accordingly, it is in the best interests of the citizens of Baltimore City that the City participate in the financing of the acquisition of the Project; and

(b) the Project is an "industrial project", as defined in Section 13-101 (g) of the MIDFA Act, and, as evidenced by the Letter of Intent, the funds to be borrowed by the

City to finance the acquisition (within the meaning of the MIDFA Act) of the Industrial Project will be utilized in connection with the acquisition (within the meaning of the MIDFA Act) of a "bona fide industrial project", as mentioned in Section 13-141(c) (2) of the MIDFA Act, for the use and benefit of the Borrower, a "prospective industrial project applicant", as mentioned in Section 13-141(c) (2) of the MIDFA Act, and the Lessee, an "industrial project occupant", as contemplated by the MIDFA Act; and

(c) the Borrower has exercised its option pursuant to Section 13-151 of the MIDFA Act to be a mortgagor (as defined in Section 13-101(1) of the MIDFA Act), and accordingly this Ordinance contemplates and authorizes a transaction in the form of a loan to the Borrower of the proceeds of the Note.

SEC. 2. *And be it further ordained*, That acting pursuant to the Charter, it is hereby found and determined as follows:

(1) the issuance and sale of the Bonds by the City pursuant to the Charter in order to make the proceeds thereof available to the Borrower for the sole and exclusive purpose of financing the costs of acquisition of the Project will facilitate and expedite the acquisition of the Project by the Borrower; and

(2) the acquisition of the Project by the Borrower and the financing of the costs of such acquisition as provided in this Ordinance will serve to promote the general purposes contemplated by the Charter by (a) sustaining jobs and employment in Baltimore City, (b) promoting economic development in Baltimore City, and (c) encouraging the increase of industry and a balanced economy in Baltimore City; and

(3) any and all of the Bonds shall not be general obligations of the City and shall not be a pledge of or involve the faith and credit or the taxing power of the City, and shall not constitute a debt of the City, all within the meaning of Section 7 of Article XI of the Constitution of Maryland or within the meaning of any other constitu-



tional, statutory or charter provision limiting or restricting the sale or issuance of bonds, notes or other obligations of the City. All of the Bonds shall be limited obligations of the City, and shall be fully negotiable, payable, as to both principal and interest, solely from and secured solely by a pledge of (I) the revenues from or arising in connection with the Project, (II) the revenues from or arising in connection with any contracts, mortgages or other securities purchased or otherwise acquired with the proceeds of the Bonds, (III) the contracts, mortgages or other securities purchased or otherwise acquired with the proceeds of the Bonds, or (IV) any combination of (I), (II) or (III), all as the Board of Finance may approve by a resolution or resolutions adopted prior to the issuance, sale and delivery of any of the Bonds.

SEC. 3. *And be it further ordained*, That the City is hereby authorized and empowered to either (a) borrow from a "mortgagee" (within the meaning of the MIDFA Act) (the "Mortgagee") a sum of money not to exceed \$1,700,000, as evidenced by the Note, in accordance with the provisions of the MIDFA Act, or (b) issue and sell, at any time or from time to time and in one or more series, as limited obligations of the City and not upon its full faith and credit, its industrial development revenue bonds, in the aggregate principal amount not to exceed \$1,700,000, all subject to the provisions of this Ordinance. The proceeds of the Bonds or the Note, as the case may be, will be made available to the Borrower for the sole and exclusive purpose of financing the costs of the acquisition of the Project.

SEC. 4. *And be it further ordained*, That any Note issued pursuant to the MIDFA Act shall have a term of permanent amortization not to exceed thirty (30) years, and shall bear interest at an annual rate or rates not to exceed the rate of 16% per annum, the actual rate of interest to be determined based on the "Bond Buyer's Index of 20 Municipal Bonds" (as published weekly by *The Daily Bond Buyer*) at the time of such borrowing and approved by the Board of Estimates of the City (the "Board of Estimates") prior to such borrowing in accordance with the provisions of this Ordinance; provided, however, that

if at any time it is determined that the interest on the Note is includible in the gross income of the Mortgagee for federal income tax purposes, then the rate of interest on the Note may be doubled, but in no event shall the rate of interest on the Note exceed the annual rate of 32% per annum.

SEC. 5. *And be it further ordained*, That, prior to the issuance, sale and delivery of any of the Bonds, as permitted by the Charter, the Board of Finance is hereby authorized and empowered, by a resolution or resolutions, to:

(a) prescribe, among other things but not limited to, the form, terms, provisions, manner or method of issuing and selling (including negotiated as well as competitive bid sale), and the time or times of issuance, and any and all other details of the Bonds and the issuance and sale thereof;

(b) approve (i) the pledge or assignment by the City of any of the security described in Section 8 of this Ordinance, pursuant to a trust agreement or similar agreement, (ii) the form of any such trust agreement or similar agreement, as provided in the Charter, and (iii) such provisions in any such trust agreement or similar agreement as the Board of Finance may deem reasonable and proper for the security of the holders of the Bonds;

(c) approve the terms and conditions, including but not limited to the terms and conditions of any documents to be executed and delivered by the City (other than customary financing statements and closing certificates), under which the proceeds of the Bonds will be made available to the Borrower to finance the costs of the acquisition of the Project; and

(d) do any and all things necessary, proper or expedient in connection with the issuance, sale and delivery of the Bonds.

SEC. 6. *And be it further ordained*, That prior to any borrowing by the City pursuant to the MIDFA Act, the terms and provisions and form and substance of any and all documents and instruments to be executed or entered

into by the City in connection with any such borrowing as authorized by this Ordinance, other than customary closing certificates and documents and financing statements, shall be approved by the Board of Estimates prior to the execution and delivery thereof by the Mayor of the City.

SEC. 7. *And be it further ordained,* That this Ordinance constitutes the present intent of the City to sell the Note or issue the Bonds, at the option of the Borrower, and the Mayor of the City is hereby authorized to accept the Letter of Intent on behalf of the City in order to further evidence the present intent of the City to sell the Note or issue the Bonds in accordance with the terms and provisions of this Ordinance.

SEC. 8. *And be it further ordained,* That any and all Bonds issued pursuant to the Charter shall not be general obligations of the City and shall not be a pledge of or involve the faith and credit or the taxing power of the City, and shall not constitute a debt of the City, all within the meaning of Section 7 of Article XI of the Constitution of Maryland or any other constitutional, statutory or charter provision limiting or restricting the sale or issuance of bonds, notes or other obligations of the City. All of the Bonds shall be limited obligations of the City, and shall be fully negotiable, payable, as to both principal and interest, solely from and secured solely by a pledge of (I) the revenues from or arising in connection with the Project, (II) the revenues from or arising in connection with any contracts, mortgages or other securities purchased or otherwise acquired with the proceeds of the Bonds, (III) the contracts, mortgages or other securities purchased or otherwise acquired with the proceeds of the Bonds, or (IV) any combination of (I), (II) or (III), all as the Board of Finance may approve by a resolution or resolutions adopted prior to the issuance, sale and delivery of any of the Bonds.

SEC. 9. *And be it further ordained,* That, in connection with any borrowing by the City pursuant to the MIDFA Act, notwithstanding anything contained in this Ordinance or in any document authorized herein to be executed, or



the execution and delivery of any document authorized herein, neither the faith and credit nor the taxing power of the City shall be deemed to be pledged hereby, and the City shall at no time be required to exercise its taxing power in order to implement the transactions authorized hereby. Nothing contained in this Ordinance shall be deemed or construed in any way to create or constitute a debt of the City within the meaning of any constitutional, statutory or other debt limitation provision, or to constitute any act or purpose other than that contemplated by the MIDFA Act. Neither the Note nor the interest thereon shall constitute an indebtedness or a charge against the general credit or taxing powers of the City, within the meaning of any constitutional or charter provision or statutory limitation, and neither shall ever constitute or give rise to any pecuniary liability of the City.

SEC. 10. *And be it further ordained*, That the Borrower shall agree that:

(a) it will submit any plans and specifications for the Project to the Department of Housing and Community Development for approval, and that the Department of Housing and Community Development may refuse approval of any plans and specifications for aesthetic or functional reasons; and

(b) it and its developers will work with the design advisory group appointed by the Department of Housing and Community Development in order to achieve high quality site, building, and landscape design.

SEC. 11. *And be it further ordained*, That the Department of Housing and Community Development is hereby fully authorized and empowered, for the purpose of this Ordinance only:

(a) To promote, make investigations, conduct preliminary negotiations, and do any and all other things necessary and proper to expedite the consummation of the transactions authorized by this Ordinance, all pursuant and subject to the provisions of the Charter of Baltimore City; and

(b) After the transactions authorized by this Ordinance have been fully consummated, the Department of Housing and Community Development shall do any and all other things necessary, proper or expedient to assure the full performance by the Borrower of any and all of the terms and provisions in any and all agreements entered into between the City and the Borrower, all of which shall be subject to the provisions of the Charter of Baltimore City.

SEC. 12. *And be it further ordained*, That in connection with any borrowing pursuant to the MIDFA Act as described in this Ordinance, the Mayor and other appropriate officials of the City of Baltimore are hereby authorized and empowered to execute and to accept such documents, instruments and certificates as are necessary or appropriate to evidence and secure the obligation of the Borrower to make payments to the City sufficient to pay the principal of and interest on the Note and to consummate such borrowing and the acquisition of the Project, including, but not limited to, any and all leases, loan agreements, financing agreements, mortgages, deeds of trust, notes, assignments, security agreements, consolidation agreements, and any and all necessary financing statements, the form and substance of all of which (other than financing statements and other customary closing certificates and documents) shall be approved by the Board of Estimates as herein provided.

SEC. 13. *And be it further ordained*, That any Bonds issued pursuant to the Charter shall be executed in the name of the City and on its behalf by the Mayor of the City, by his manual or facsimile signature, and by the Director of Finance of the City, by his manual or facsimile signature, and the corporate seal of the City or a facsimile thereof shall be impressed or otherwise reproduced thereon and attested by the Custodian of the City Seal, by his manual signature. Except as provided in Section 14 hereof, any trust agreement or other documents as the Board of Finance shall deem necessary to effectuate the issuance, sale and delivery of the Bonds shall be executed in the name of the City and on its behalf by the Mayor of the City by his manual or facsimile signature, and the cor-

porate seal of the City or a facsimile thereof shall be impressed or otherwise reproduced thereon and attested by the Custodian of the City Seal by his manual signature. In case any officer whose signature or a facsimile of whose signature shall appear on the Bonds or any of the aforesaid documents shall cease to be such officer before the delivery of the Bonds or any of the other aforesaid documents, such signature or such facsimile shall nevertheless be valid and sufficient for all purposes, the same as if such officer had remained in office until delivery. The Mayor of the City, the Director of Finance of the City, the Custodian of the City Seal and other officials of the City are hereby authorized and empowered to do all such acts and things and execute such documents and certificates as the Board of Finance may determine by resolution to be necessary to carry out and comply with the provisions hereof.

SEC. 14. *And be it further ordained*, That any and all necessary financing statements required for the consummation of the transactions authorized by this Ordinance may be executed on behalf of the City by the Mayor of the City or by the Chief, Bureau of Treasury Management of the City or by such other appropriate official of the City as may be designated by the Mayor of the City to execute such financing statements.

SEC. 15. *And be it further ordained*, That the authority to issue the Note and the Bonds is intended and shall be deemed to include the authority to issue bond anticipation notes pursuant to Section 12 of Article 31 of the Annotated Code of Maryland (1976 Replacement Volume and 1980 Cumulative Supplement), as amended (the "Bond Anticipation Note Enabling Legislation"). Reference in this Ordinance to the "Note" and to the "Bonds" shall include such bond anticipation notes where appropriate. Prior to the issuance, sale and delivery of any series of bond anticipation notes, the Board of Finance shall adopt a resolution or resolutions which shall prescribe the maturity or maturities, interest rate or rates and other terms of such bond anticipation notes and the price or prices at which said notes will be sold. Such bond anticipation notes shall be sold by private negotiation by the City with a prospective purchaser or purchasers, as authorized by Section 12



of the Bond Anticipation Note Enabling Legislation, unless, upon request of the Borrower, such resolution or resolutions provides that such bond anticipation notes shall be sold at public sale. In accordance with the Bond Anticipation Note Enabling Legislation, the City hereby covenants to pay any bond anticipation notes issued pursuant to this Section of this Ordinance and the interest thereon from the proceeds of the Note or the Bonds in anticipation of the sale of which such notes are issued, and the City hereby further covenants to issue such Note or Bonds, as the case may be, when, and as soon as, the reason for deferring the issuance of the Note or the Bonds no longer exists. The timely issuance of such Note or Bonds, however, is dependent upon matters not within the control of the City, including (without limitation) the existence of a purchaser or purchasers for such Note or Bonds at the time the reason for deferring the issuance of the Note or the Bonds no longer exists and the effectiveness of various actions taken by the Borrower, its officers, agents and employees.

SEC. 16. *And be it further ordained*, That the provisions of this Ordinance are severable, and if any provision, sentence, clause, section or part hereof is held illegal, invalid or unconstitutional or inapplicable to any person or circumstances, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this Ordinance or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this Ordinance would have been passed if such illegal, invalid or unconstitutional provision, sentence, clause, section or part had not been included herein, and if the person or circumstances to which this Ordinance or any part hereof are inapplicable had been specifically exempted herefrom.

SEC. 17. *And be it further ordained*, That the Note or the Bonds, as the case may be, must be issued and sold within six months from the date on which this Ordinance is approved by the Mayor of the City; provided, however, that (a) in the case of Bonds issued pursuant to the Charter, the Board of Finance, and (b) in the case of a

borrowing pursuant to the MIDFA Act, the Board of Estimates, after a showing of good cause at a public hearing held before such respective Board prior to or after the expiration of such six month period, may extend the period during which the Note or the Bonds may be issued and sold for one additional term not to exceed six months from the date on which the first six month period expired. The Board of Finance or the Board of Estimates, as the case may be, in its sole discretion, and without action by the City Council, shall determine the sufficiency, or lack thereof, of the reasons presented for any requested extension of the six month period. If an extension is granted, notice of such extension and the reasons therefor must be sent to the City Council. To the extent that the Note or the Bonds are not issued and sold within twelve months from the date on which this Ordinance is approved by the Mayor of the City, the authority provided in this Ordinance for the City to issue and sell the Note and the Bonds shall expire.

SEC. 18. *And be it further ordained*, That this Ordinance shall take effect from the date of its passage.

Approved March 17, 1981.

WILLIAM DONALD SCHAEFER, *Mayor*.

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No. 259

(Council No. 539)

AN ORDINANCE concerning

INDUSTRIAL DEVELOPMENT REVENUE BONDS  
— JEROME M. SCHIAVINO

FOR the purpose of authorizing and empowering the Mayor and City Council of Baltimore (the "City") to issue, sell and deliver, at any time or from time to time and in one or more series, its industrial development revenue bonds, as limited obligations of the City and not upon

its full faith and credit, to be designated "Baltimore City, Maryland Industrial Development Revenue Bonds (Jerome M. Schiavino)", in the aggregate principal amount not to exceed \$250,000 pursuant to the provisions of Sub-Section (50) of Article II of the Charter of Baltimore City (1964 Revision), as amended, for the sole and exclusive purpose of financing a portion of the costs of the acquisition of the real property and improvements thereon known as 120 Oldham Street in Baltimore City by Jerome M. Schiavino ("Schiavino"), the property to be leased to Serv-U, Inc., a Maryland corporation ("Serv-U") and used as its principal place of business; authorizing the Mayor of the City to accept, on behalf of the City, the letter of intent of Schiavino to the City dated January 9, 1981; making certain legislative findings; authorizing and empowering the Board of Finance of the City, prior to the issuance, sale and delivery of such bonds, to adopt a resolution pursuant to which the Board of Finance (a) shall prescribe, among other things but not limited to, the form, terms, provisions, manner or method of issuing and selling, and the time or times of issuance, and any and all other details of such bonds, and (b) do any and all things necessary, proper or expedient in connection with the issuance and sale of such bonds; authorizing the private (negotiated) sale of such bonds; and generally providing for determining various matters and details in connection with the authorization, issuance, security, sale and payment of such bonds.

### RECITALS

Sub-Section (50) of Article II of the Charter of Baltimore City (1964 Revision, as amended) (the "Enabling Law"), empowers the Mayor and City Council of Baltimore (the "City") to issue revenue bonds and to use the proceeds of the sale of such revenue bonds to finance undertakings for the accomplishment of any of the purposes, objects and powers of the City. Some of the general objectives of the City, contemplated by the Enabling Law, include (a) the relief of conditions of unemployment in Baltimore City, (b) promoting the health, welfare and safety of the residents of Baltimore City, and



(c) promoting commercial and economic development in Baltimore City.

The City has received a letter of intent dated January 9, 1981 (the "Letter of Intent") from Jerome M. Schiavino (the "Borrower"), pursuant to which the Borrower has requested the City to participate in the financing of the acquisition of the real property and improvements thereon known as 120 Oldham Street in Baltimore City (the "Project"), by the issuance and sale by the City of its industrial development revenue bonds in the aggregate principal amount not to exceed \$250,000 and by loaning the proceeds of the revenue bonds to the Borrower, upon the terms and conditions of a loan agreement to be entered into between the City and the Borrower (the "Loan Agreement"), as permitted by the Enabling Law (such loan being herein referred to as the "Loan").

The Project will consist generally of the acquisition of the real property and improvements thereon known as 120 Oldham Street in Baltimore City. Specifically, the proceeds of the revenue bonds will be used to finance a portion of the costs of (a) acquiring the real property and improvements thereon known as 120 Oldham Street in Baltimore City, and (b) paying the costs of issuance of the revenue bonds, including the expense of engraving and printing the revenue bonds, the official statement and other legal documents related thereto, advertising, legal and accounting fees and all other incidental expenses connected therewith.

The Loan Agreement will require the Borrower (a) to use the proceeds of the revenue bonds solely to finance the Project, and (b) to make Loan Payments which will be sufficient to enable the City to pay the principal of and interest and premium, if any, on the revenue bonds when and as the same shall become due and payable.

As security for the revenue bonds, the City will enter into an Assignment and Security Agreement (the "Assignment") with the original purchaser of the Bonds (the "Original Purchaser"). Pursuant to the Assignment, the City will assign to the Original Purchaser, its successors and assigns (among other things), (a) all

of the City's right, title and interest in and to any remedies under the Loan Agreement, including (without limitation) any and all collateral referred to therein, excepting only the right of the City to indemnification by the Borrower and to payments to the City for expenses incurred by the City itself, (b) the receipts and revenues of the City from the Loan, (c) all right, title and interest in and to and remedies with respect to any and all other property of every description and nature from time to time by delivery or by writing of any kind conveyed, pledged, assigned or transferred, as and for additional security for the revenue bonds, by the City or by anyone on its behalf or with its written consent, to the Original Purchaser, its successors or assigns, and (d) all of the City's right, title and interest in and to and remedies under such other documents, including (without limitation) mortgages, deeds of trust, guaranties and security instruments, as the Board of Finance shall deem necessary to effectuate the issuance, sale and delivery of the revenue bonds and which the Board of Finance shall approve by a resolution (the "Resolution") to be adopted by the Board of Finance prior to the issuance, sale and delivery of any of the Bonds.

The Bonds will be sold at a private (negotiated) sale.

NOW THEREFORE, IN ACCORDANCE WITH THE ENABLING LAW:

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That acting pursuant to the Enabling Law, it is hereby found and determined as follows:

(1) The issuance and sale of the revenue bonds by the City pursuant to the Enabling Law in order to lend the proceeds thereof to the Borrower for the sole and exclusive purpose of financing a portion of the costs of the Project will facilitate, enable and expedite the acquisition of the Project by the Borrower.

(2) The acquisition of the Project by the Borrower and the financing thereof as provided in this Ordinance will serve to promote the general purposes contemplated by the Enabling Law by (a) sustaining and increasing jobs and employment in Baltimore City, thus relieving

conditions of unemployment in Baltimore City; (b) promoting the health, welfare and safety of the residents of Baltimore City; and (c) promoting commercial and economic development in Baltimore City.

(3) Neither the revenue bonds nor the interest or premium, if any, thereon shall ever be general obligations of the City or constitute a pledge of or involve the faith and credit or the taxing powers of the City, and neither shall constitute a debt of the City within the meaning of Section 7 of Article XI of the Constitution of Maryland or within the meaning of any other constitutional or charter provision or statutory limitation, and neither shall ever constitute or give rise to any pecuniary liability of the City. The revenue bonds and the interest thereon shall be limited obligations of the City, repayable by the City solely from the revenue derived from Loan repayments (both principal and interest) made to the City by the Borrower on account of the Loan and from any other moneys made available to the City for such purpose. The proceeds of the revenue bonds will be paid directly to the Borrower. Payments of the principal of and premium (if any) and interest on the Loan will be paid by the Borrower to the Original Purchaser, its successors and assigns, as provided in the Assignment to be approved by the Board of Finance in the Resolution. No such moneys will be commingled with the City's funds or will be subject to the absolute control of the City, but will be subject only to such limited supervision and checks as are deemed necessary or desirable by the City to insure that the proceeds of the revenue bonds are used to accomplish the public purposes of the Enabling Law and this Ordinance. The transaction authorized hereunder shall in no event constitute a capital project within the meaning of any charter or statutory provision. The public purposes expressed in the Enabling Law are to be achieved by facilitating, enabling and expediting the demolition and construction of the Project by the Borrower.

(4) The City will acquire no interest in the Project other than (a) any general interest in the Borrower's property shared by all holders of the Borrower's obligations which rank and are secured equally with the Borrower's obligations pursuant to the Loan Agreement, (b)



any lien and security interest created by the Loan Agreement, and (c) any interest created by any other mortgage or deed of trust or other security instrument executed and delivered by the Borrower or any third party as security for the Loan or the revenue bonds as the Board of Finance may provide for and approve in the Resolution. The security for the revenue bonds shall be solely and exclusively (a) the absolute, irrevocable and unconditional obligation of the Borrower to make the payments required by the Loan Agreement, (b) moneys realized from the liquidation of any lien and security interest created by the Loan Agreement and of any other lien or security interest created with respect to any property as security for the Loan or the revenue bonds, as the Board of Finance may provide for and approve in the Resolution, and (c) moneys realized from any guaranty of the revenue bonds or of the Loan as the Board of Finance may provide for and approve in the Resolution.

(5) The Borrower shall covenant and agree in the Loan Agreement to properly operate and maintain the Project during the time any of the revenue bonds are outstanding. Such covenant and agreement shall include a specific undertaking by the Borrower to make all replacements and repairs necessary to insure that the security for the revenue bonds shall not be impaired.

(6) The best interests of the City will be served by selling the revenue bonds at private (negotiated) sale, as authorized by the Enabling Law, upon terms and conditions approved by the Board of Finance in the Resolution.

SEC. 2. *And be it further ordained*, That the City is hereby authorized and empowered to issue, sell and deliver, as limited obligations of the City and not upon its full faith and credit, its Baltimore City, Maryland Industrial Development Revenue Bonds (Jerome M. Schiavino Project), in the aggregate principal amount not to exceed \$250,000 (the "Bonds"), subject to the provisions of this Ordinance. The proceeds of the Bonds will be loaned to the Borrower pursuant to the terms and provisions of the Loan Agreement, to be used by the Borrower for the sole and exclusive purpose of financing a portion of the costs of the Project. The Bonds and the interest thereon shall

be limited obligations of the City, repayable by the City solely from the revenue derived from Loan repayments (both principal and interest) made to the City by the Borrower pursuant to the Loan Agreement and from any other moneys made available to the City for such purpose. The security for the Bonds shall be solely and exclusively as provided in Section 1 of this Ordinance.

SEC. 3. *And be it further ordained*, That this Ordinance constitutes the binding commitment of the City to issue the Bonds, and the Mayor of the City is hereby authorized to accept the Letter of Intent on behalf of the City in order to further evidence the binding commitment of the City to issue the Bonds in accordance with the terms and provisions of this Ordinance.

SEC. 4. *And be it further ordained*, That each of the Bonds shall bear the descriptive title "Baltimore City, Maryland Industrial Development Revenue Bonds (Jerome M. Schiavino Project)", provided, that the descriptive title may contain such other descriptive information as the Board of Finance may prescribe in the Resolution (e.g. "1981 Series"). The Bonds shall bear interest at the rate or rates of interest to be determined by negotiation with the Original Purchaser of the Bonds and to be approved and prescribed by the Board of Finance in the Resolution.

SEC. 5. *And be it further ordained*, That the definitive Bonds, which may be engraved, printed or typewritten, shall be in such form, not inconsistent with the Enabling Law and the provisions of this Ordinance, as the Board of Finance may approve in the Resolution.

SEC. 6. *And be it further ordained*, That the Bonds shall be executed in the name of the City and on its behalf by the Mayor of the City, by his manual or facsimile signature, and by the Director of Finance of the City, by his manual or facsimile signature, and the corporate seal of the City or a facsimile thereof shall be impressed or otherwise reproduced thereon and attested by the Custodian or the Alternate Custodian of the City Seal, by his manual signature. The Loan Agreement, the Assignment

and, where applicable, all other documents as the Board of Finance shall deem necessary to effectuate the issuance, sale and delivery of the Bonds, shall be executed in the name of the City and on its behalf by the Mayor of the City by his manual signature, and the corporate seal of the City or a facsimile thereof shall be impressed or otherwise reproduced thereon and attested by the Custodian or the Alternate Custodian of the City Seal by his manual signature. In case any officer whose signature or a facsimile of whose signature shall appear on the Bonds or any of the aforesaid documents shall cease to be such officer before the delivery of the Bonds or any of the other aforesaid documents, such signature or such facsimile shall nevertheless be valid and sufficient for all purposes, the same as if such officer had remained in office until delivery. The Mayor of the City, the Director of Finance of the City, the Custodian or the Alternate Custodian of the City Seal and other officials of the City are hereby authorized and empowered to do all such acts and things and execute such documents and certificates as the Board of Finance may determine in the Resolution to be necessary to carry out and comply with the provisions hereof.

SEC. 7. *And be it further ordained*, That the Bonds shall be executed, issued and delivered at any time or from time to time in one or more series and in such amount or amounts not exceeding, in the aggregate, the principal amount of \$250,000, as the Board of Finance shall prescribe in the Resolution.

SEC. 8. *And be it further ordained*, That the Bonds shall be dated, shall be in such denominations, shall be of such form and tenor, and shall be payable in such amounts at such times not exceeding 15 years from the first day of the first month immediately following the date thereof and at such place or places as the Board of Finance shall prescribe in the Resolution.

SEC. 9. *And be it further ordained*, That the Bonds may be subject to redemption prior to their stated maturities upon such other terms and conditions as the Board of Finance shall prescribe in the Resolution.



SEC. 10. *And be it further ordained*, That prior to the issuance, sale and delivery of the Bonds, the Board of Finance shall adopt the Resolution pursuant to which the Board of Finance shall:

(a) prescribe the form, tenor, terms, provisions and conditions of and security for the Bonds;

(b) prescribe the actual amounts, rate or rates of interest, denominations, date, actual maturity or maturities (within the limits herein prescribed), and the place or places of payment of the Bonds, and the terms and conditions and details under which the Bonds may be called for redemption prior to their stated maturities;

(c) approve the form and contents, and authorize the execution and delivery (where applicable) of (i) the Loan Agreement, (ii) the Assignment, and (iii) such other documents, including (without limitation) mortgages, deeds of trust, guaranties and security instruments as the Board of Finance shall deem necessary to approve in order to effectuate the issuance, sale and delivery of the Bonds;

(d) determine the time of execution, issuance, sale and delivery of the Bonds and prescribe any and all other details of the Bonds;

(e) provide for the direct payment by the Borrower of all costs, fees and expenses incurred by or on behalf of the City in connection with the issuance, sale and delivery of the Bonds, including (without limitation) costs of printing (if any) and issuing the bonds, legal expenses and compensation to any person (other than full time employees of the City) performing services by or on behalf of the City in connection therewith; and

(f) do any and all things, and authorize the officials of the City to do any and all things, necessary, proper or expedient in connection with the issuance, sale and delivery of the Bonds.

SEC. 11. *And be it further ordained*, That the Loan Agreement and the Assignment shall contain such terms, provisions and conditions, not inconsistent with the Enabling Law and the provisions of this Ordinance, as the Board of Finance shall approve in the Resolution.

SEC. 12. *And be it further ordained*, That, as authorized by the Enabling Law, the Bonds shall be sold at private (negotiated) sale upon such terms and conditions and shall be approved by the Board of Finance in the Resolution.

SEC. 13. *And be it further ordained*, That neither the Bonds nor the interest or premium, if any, thereon shall ever be general obligations of the City or constitute a pledge or involve the faith and credit or the taxing powers of the City, and neither shall constitute a debt of the City within the meaning of Section 7 of Article XI of the Maryland Constitution or any other constitutional or charter provision or statutory limitation, and neither shall ever constitute or give rise to any pecuniary liability on the part of the City. The Bonds, and the interest and premium, if any, thereon, shall be limited obligations of the City, the principal of and interest and premium (if any) on which Bonds shall be payable by the City solely from the revenue derived from Loan repayments (both principal and interest) made to the City by the Borrower on account of the Loan and, to the extent provided by the Board of Finance in the Resolution, from the proceeds of the Bonds, and from any other moneys made available to the City for such purpose. The proceeds of the Bonds will be paid directly to the Borrower. The payments to be made by the Borrower pursuant to the Loan Agreement will be paid directly to the Original Purchaser, its successors or assigns as provided in the Assignment to be approved by the Board of Finance in the Resolution. No such moneys will be commingled with the City's funds or will be subject to the absolute control of the City, but will be subject only to such limited supervision and checks as are deemed necessary or desirable by the City to insure that the proceeds of the Bonds are used to accomplish the public purposes of the Enabling Law and this Ordinance.

SEC. 14. *And be it further ordained*, That in consideration of the purchase and acceptance of the Bonds by those who shall hold the Bonds from time to time, the City does hereby, and by the execution and delivery of the Assignment to be approved by the Board of Finance shall, set aside and pledge the income and revenue under the Loan Agreement (other than payments to the City for indemni-

fication or to reimburse the City for expenses incurred by the City itself) to the Original Purchaser, its successors and assigns, to be used and applied for the payment of the principal or and interest on the Bonds. Pursuant to the terms of the Loan Agreement, to be approved by the Board of Finance in the Resolution, payments sufficient for the prompt payment when due of the principal of, premium, if any, and interest on the Bonds are to be paid by the Borrower to the Original Purchaser, its successors and assigns, for the account of the City and such payments shall be assigned by the City to the Original Purchaser, its successors and assigns, as provided in the Assignment.

SEC. 15. *And be it further ordained*, That pursuant to the Enabling Law, the Bonds and their transfer, and the principal and interest payable thereon (including any profit made in the sale thereof) shall be and remain exempt from any and all state, county and municipal taxation in the State of Maryland.

SEC. 16. *And be it further ordained*, That the Board of Finance is hereby authorized and empowered to adopt resolutions from time to time to supplement the Resolution and to approve by such resolutions, supplements or amendments to or substitutes for the Bonds, the Assignment, the Loan Agreement and the other documents to be approved by the Board of Finance in the Resolution, provided that each such supplemental resolution and each such supplement, amendment or substitute shall be in accord with the provisions of the Enabling Law and this Ordinance. Such supplements, amendments and substitutes may include, without limitation, an alteration in the rate or rates of interest payable on the bonds and the loan, an adjustment in the terms of payment of the Bonds and the Loan and, within the limits authorized by this Ordinance, the issuance of one or more additional series of bonds. (If the supplemental resolution provides for the issuance of an additional series of bonds, it shall be deemed to be part of the Resolution for the purposes of this Ordinance to the extent applicable.) All such supplements, amendments and substitutes and all documents necessary to effectuate such supplements, amendments and substitutions shall be executed in the name of the City and on its



behalf by the Mayor of the City by his manual signature, and the corporate seal of the City or a facsimile thereof shall be impressed or otherwise reproduced thereon and attested by the Custodian or the Alternate Custodian of the City Seal by his manual signature. In case any officer whose signature or a facsimile of whose signature shall appear on any of such amendments, substitutes or other documents shall cease to be such officer before the delivery thereof, such signature, or such facsimile shall nevertheless be valid and sufficient for all purposes, the same as if such officer had remained in office until delivery. The Mayor of the City, the Director of Finance of the City, the Custodian or the Alternate Custodian of the City Seal and other officials of the City are hereby authorized and empowered to do all such acts and things and execute such documents and certificates as the Board of Finance may determine in any such supplemental resolution to be necessary to carry out and comply with the provisions hereof.

SEC. 17. *And be it further ordained*, That the provisions of this Ordinance are severable, and if any provision, sentence, clause, section or part hereof is held illegal, invalid or unconstitutional or inapplicable to any person or circumstances, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this Ordinance or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this Ordinance would have been passed if such illegal, invalid or unconstitutional provision, sentence, clause, section or part had not been included herein, and if the person or circumstances to which this Ordinance or any part hereof are inapplicable had been specifically exempted herefrom.

SEC. 18. *And be it further ordained*, That, if the Bonds are not issued and sold within six months from the date on which this Ordinance is approved by the Mayor of the City, the authorization provided in this Ordinance for the City to issue and sell the Bonds shall expire; provided, however, that the Board of Finance may, after a showing of good cause at a public hearing held before the Board of Finance, extend such authorization for one additional

term not to exceed six months. The Board of Finance, in its sole discretion, shall determine the sufficiency, or lack thereof, of the reasons presented for any requested extension of this Ordinance. If an extension is granted, notice of such extension and the reasons therefor must be sent to the City Council. To the extent that the Bonds are not issued and sold within twelve (12) months from the date on which this Ordinance is approved by the Mayor of the City, the authority provided in this Ordinance for the City to issue and sell the Bonds shall expire.

SEC. 19. *And be it further ordained*, That this Ordinance shall take effect from the date of its passage.

Approved March 17, 1981.

WILLIAM DONALD SCHAEFER, *Mayor*.

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No. 260

(Council No. 426)

AN ORDINANCE concerning

SUPPLEMENTARY APPROPRIATION—  
DEPARTMENT OF HOSPITALS

FOR the purpose of providing a supplementary special fund appropriation in the amount of Eighty-nine Thousand Six Hundred Ninety-five Dollars (\$89,695) to the Department of Hospitals to be used for energy conservation modifications to buildings and building equipment.

BY authority of

Article VI—Board of Estimates

Section 2(h) (2)

Baltimore City Charter (1964 Revision as amended)

WHEREAS, the money appropriated herein represents a grant from a public source which could not be expected with reasonable certainty at the time of formulation of the fiscal 1981 Ordinance of Estimates; and

WHEREAS, the supplementary special fund appropriation ordained herein has been recommended to the City Council by the Board of Estimates, the said recommendation having been made at a regular meeting of said Board held on the 5th day of November, 1980, all in accordance with Article VI, Section 2(h) (2) of the Baltimore City Charter (1964 Revision as amended).

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That under the provisions of Article VI, Section 2(h) (2) of the 1964 revision of the Charter of Baltimore City, the sum of Eighty-nine Thousand Six Hundred Ninety-five Dollars (\$89,695) shall be made available to the Department of Hospitals of the City of Baltimore as a supplementary special fund appropriation for the fiscal year ending June 30, 1981 for the purpose of energy conservation modifications to buildings and building equipment. The amount thus made available as a supplementary special fund appropriation shall be expended from a grant of funds to the Mayor and City Council of Baltimore by the U.S. Department of Energy, said sum being specifically allotted to the Mayor and City Council of Baltimore for the aforesaid purpose; and said funds from said U.S. Department of Energy shall be the source of revenue for this supplementary special fund appropriation, as required by Article VI, Section 2 of the Baltimore City Charter (1964 Revision as amended).

SEC. 2. *And be it further ordained*, That this ordinance shall take effect from the date of its passage.

Approved March 23, 1981.

WILLIAM DONALD SCHAEFER, *Mayor*.



## No. 261

(Council No. 454)

## AN ORDINANCE concerning

URBAN RENEWAL—GREENMOUNT WEST—  
AMENDMENT NO. 1

FOR the purpose of amending the Urban Renewal Plan for Greenmount West to, among other things, (1) expand the boundary of the project to include the west side of Calvert Street; (2) authorize the acquisition of certain properties by the Mayor and City Council of Baltimore; (3) modify the lot lines of certain existing disposition lots, create new disposition lots, and indicate utility easements; (4) provide corresponding standards and controls for newly created disposition lots and revise standards and controls of certain existing disposition lots; (5) make certain land use changes and revise the language in the Plan regarding permitted uses; (6) revise language concerning Duration of Provisions in the Plan text; (7) recommend zoning district changes and provide that the approval of Amendment No. 1 shall not be construed as an enactment of said amendments to the Zoning Ordinance of Baltimore City as are proposed; (8) prohibit sandblasting as a means of cleaning masonry facades on all properties in Greenmount West and provide a penalty for violation of this provision; (9) revise and/or delete certain Appendices and Exhibits attached to the Urban Renewal Plan to reflect changes proposed in Amendment No. 1; (10) waive such requirements, if any, as to content or procedure for the preparation, adoption, and approval of renewal plans as set forth in Article 13 of the Baltimore City Code (1976 Edition, as amended) which the Urban Renewal Plan for Greenmount West may not meet; (11) provide for the separability of the various parts and the applications of this ordinance; (12) provide that where the provisions of this ordinance shall conflict with any other ordinance, code or regulation in force in the City of Baltimore, the provision which establishes the higher standard shall prevail; (13) provide for an effective date hereof.

WHEREAS, an Urban Renewal Plan for Greenmount West was originally approved by the Mayor and City Council of Baltimore by Ordinance No. 699, dated April 17, 1978; and

WHEREAS, pursuant to Article 13 of the Baltimore City Code (1976 Edition, as amended), no substantial change or changes shall be made in any renewal plan, after approval by ordinance, without such change or changes first being adopted and approved in the same manner as set forth in said Article 13 for the approval of a renewal plan, namely the preparation of such change or changes by the Department of Housing and Community Development, the approval of such change or changes by the Director of the Department of Planning, and approval and adoption by an ordinance of the Mayor and City Council of Baltimore after a public hearing in relation thereto, all in the manner set forth in said Article 13; and

WHEREAS, extensive changes in the Urban Renewal Plan make it infeasible to make line-by-line changes; therefore, the Department of Housing and Community Development has prepared an amended Urban Renewal Plan for Greenmount West; and

WHEREAS, said amended Urban Renewal Plan for Greenmount West has been approved by the Department of Planning with respect to its conformity as to the Master Plan, the detailed location of any public improvements proposed in the amended Renewal Plan, its conformity to the rules and regulations for subdivisions, and all zoning changes proposed in the amended Renewal Plan; and said amended Renewal Plan has been approved and recommended to the Mayor and City Council of Baltimore by the Commissioner of the Department of Housing and Community Development; now, therefore,

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That the amended Urban Renewal Plan for Greenmount West, identified as "Urban Renewal Plan, Greenmount West . . . revised to include Amendment No. 1, dated October 1, 1980 AND REVISED MARCH 2, 1981", is hereby approved and the Clerk of the City Council is hereby directed to file a copy of said amended Urban Renewal Plan with the Department of Legislative Reference

as a permanent public record and make the same available to public inspection and information.

SEC. 2. *And be it further ordained*, That the boundaries of the Greenmount West Urban Renewal Area shall be revised to include the west side of Calvert Street; therefore, Section 1 of Ordinance No. 699, approved April 17, 1978, is hereby amended to read as follows:

Beginning for the same at the intersection of the west side of Calvert Street with the south side of [North Avenue;] *Federal Street*; thence binding on the south side of *Federal Street* northwesterly to intersect the west side of *Hargrove Alley*; thence binding on the west side of *Hargrove Alley* northerly to intersect the south side of *Trenton Street*; thence binding on the south side of *Trenton Street* westerly to intersect the east side of *St. Paul Street*; thence binding on the east side of *St. Paul Street* northerly to intersect the south side of *North Avenue*; thence binding on the south side of *North Avenue* easterly, crossing *Calvert Street*, *Guilford Avenue*, *Barclay Street*, *Brentwood Avenue*, and *Greenmount Avenue* to intersect the east side of *Greenmount Avenue*; thence binding on the east side of *Greenmount Avenue* southerly to intersect the north side of *Hoffman Street*; thence crossing *Greenmount Avenue* and continuing on the north boundary line of the main line of Pennsylvania Railroad right-of-way westerly to intersect the southwest side of Lot No. 32/34, Ward 12, Section 10, Block 1128; thence continuing northwesterly and westerly and binding on the end of *Belvidere Street*, north boundary of Lot No. 53, Ward 12, Section 10, Block 1128, to intersect the south side of *East Oliver Street*; thence binding on the south side of *East Oliver Street* westerly, crossing *Guilford Avenue* to the west side of *Guilford Avenue*; thence binding on the west side of *Guilford Avenue* northerly to intersect the south property line of Lot No. 1, Ward 12, Section 10, Block 446; thence continuing northwesterly and binding on the north boundary of Lot No. 2, in Ward 12, Section 10, Block 446 and continuing, crossing *Calvert Street* to the west side of *Calvert Street*; thence binding on the west side of *Calvert Street* northerly [and crossing *Federal Street*, *Lanvale Street*, *Lafayette Avenue*, and *Trenton Street*] to the point of beginning.



SEC. 3. *And be it further ordained*, That it is necessary to acquire, by purchase ~~of~~ OR by condemnation, for urban renewal purposes, the fee simple interest or any lesser interest in and to certain properties or portions thereof, together with all right, title, interest and estate that the owner or owners of said property interests may have in all streets, alleys, ways or lanes, public or private, both abutting the whole area described and/or contained within the perimeter of said area, situate in Baltimore City, Maryland, and described as follows:

1606 Barclay Street  
1610 Barclay Street  
1708 Barclay Street  
1718 Barclay Street  
1725 Barclay Street  
1727 Barclay Street

330 Federal Street

1700 Greenmount Avenue  
1702 Greenmount Avenue  
1704 Greenmount Avenue  
1706 Greenmount Avenue  
1708 Greenmount Avenue  
1710 Greenmount Avenue

1706 Guilford Avenue  
1709 Guilford Avenue  
1710 Guilford Avenue  
1712 Guilford Avenue  
1716 Guilford Avenue  
1718 Guilford Avenue  
1720 Guilford Avenue  
1727 Guilford Avenue  
1734 Guilford Avenue  
1802 Guilford Avenue  
1804 Guilford Avenue  
1808 Guilford Avenue  
1810 Guilford Avenue

1720 Hunter Street

211 E. Lafayette Avenue  
219 E. Lafayette Avenue

223 E. Lafayette Avenue  
231 E. Lafayette Avenue  
235 E. Lafayette Avenue  
237 E. Lafayette Avenue  
316 E. Lafayette Avenue  
320 E. Lafayette Avenue  
323 E. Lafayette Avenue  
424 E. Lafayette Avenue  
431 E. Lafayette Avenue

302 E. Lanvale Street  
321 E. Lanvale Street

301 E. North Avenue  
303 E. North Avenue  
305 E. North Avenue  
307 E. North Avenue

401 Pitman Place  
406 Pitman Place  
408 Pitman Place  
411 Pitman Place  
419 Pitman Place  
421 Pitman Place  
423 Pitman Place  
432 Pitman Place  
434 Pitman Place  
441 Pitman Place  
454 Pitman Place

SEC. 4. *And be it further ordained*, That the Real Estate Acquisition Division of the Department of the Comptroller, or such person or persons and in such manner as the Board of Estimates, in the exercise of the power vested in it by Article V, Section 5, of the Baltimore City Charter, may hereafter from time to time designate, is or are authorized to acquire on behalf of the Mayor and City Council of Baltimore and for the purposes described in this ordinance the fee simple interest or any lesser interest in and to the properties or portions thereof hereinabove mentioned. If the said Real Estate Acquisition Division of the Department of the Comptroller, or such person or persons, and in such manner as the Board of Estimates in the exercise of the power vested in it by Article V,

Section 5 of the Baltimore City Charter may hereafter from time to time designate, is or are unable to agree with the owner or owners on the purchase price for said properties or portions thereof, it or they shall forthwith notify the City Solicitor of Baltimore City, who shall thereupon institute in the name of the Mayor and City Council of Baltimore the necessary legal proceedings to acquire by condemnation the fee simple interest or any lesser interest in and to said properties or portions thereof.

SEC. 5. *And be it further ordained*, That the boundaries of certain existing disposition lots shall be modified, new disposition lots shall be created, and utility easements shall be designated, all as shown in the amended Urban Renewal Plan on Exhibit 3, Land Disposition Map, dated as revised 10/1/80.

SEC. 6. *And be it further ordained*, That the revised standards and controls for certain existing disposition lots and the added standards and controls for newly created disposition lots, as contained in the amended Urban Renewal Plan under Section B.2.a., Provisions Applicable to All Land and Property to be Acquired, dated as revised 10/1/80, are hereby approved.

SEC. 7. *And be it further ordained*, That the proposed land use changes shown in the amended Urban Renewal Plan on Exhibit 1, Land Use Plan Map, dated as revised 10/1/80 3/2/81, and the language in the Urban Renewal Plan under Section B.1., Permitted Uses, AS REVISED—3/2/81, are hereby approved.

SEC. 8. *And be it further ordained*, That the revised language concerning Duration of Provisions and Requirements under Section D., as contained in the amended Urban Renewal Plan, is hereby approved.

SEC. 9. *And be it further ordained*, That the approval of Amendment No. 1 to the Urban Renewal Plan for Greenmount West shall not be construed as an enactment of the amendments to the Zoning Ordinance of Baltimore City that are proposed in said Amendment No. 1, as shown



in the amended Urban Renewal Plan on Exhibit 4, Zoning District Map, dated as revised 10/1/80.

SEC. 10. *And be it further ordained*, That the cleaning of masonry facades on all properties in the Greenmount West area by means of sandblasting shall not be permitted.

SEC. 11. *And be it further ordained*, That any person guilty of violating the provision contained in Section 10 of this ordinance shall be guilty of a misdemeanor and shall be subject to a fine not exceeding One Hundred Dollars (\$100.00) and that each day's violation shall constitute a separate offense.

SEC. 12. *And be it further ordained*, That Appendices A and B of the amended Urban Renewal Plan shall be deleted and that the following revised Appendix and Exhibits are hereby approved: Appendix A, Properties for Acquisition and Disposition for Rehabilitation; Exhibit 1, Land Use Plan Map; Exhibit 2, Property Acquisition Map; Exhibit 3, Land Disposition Map; and Exhibit 4, Zoning Districts Map, all Exhibits dated as revised 10/1/80. DISTRICTS MAP — EXHIBIT 1, DATED AS REVISED 3/2/81 AND EXHIBITS 2, 3, AND 4, DATED AS REVISED 10/1/80.

SEC. 13. *And be it further ordained*, That in whatever respect, if any, the said amended Renewal Plan approved hereby may not meet the requirements as to the content of a renewal plan or the procedures for the preparation, adoption, and approval of renewal plans, as provided in Article 13 of the Baltimore City Code (1976 Edition, as amended), the said requirements are hereby waived and the amended Renewal Plan approved hereby is exempted therefrom.

SEC. 14. *And be it further ordained*, That in the event it be judicially determined that any word, phrase, clause, sentence, paragraph, section or part in or of this ordinance, or the application thereof to any person or circumstances is invalid, the remaining provisions and the application of such provisions to other persons or circumstances shall not

be affected thereby, the Mayor and City Council hereby declaring that they would have ordained the remaining provisions of this ordinance without the word, phrase, clause, sentence, paragraph, section or part, or the application thereof so held invalid.

SEC. 15. *And be it further ordained*, That in any case where a provision of this ordinance concerns the same subject matter as an existing provision of any zoning, building, electrical, plumbing, health, fire or safety ordinance or code or regulation, the applicable provisions concerned shall be construed so as to give effect to each; provided, however, that if such provisions are found to be in irreconcilable conflict, the provision which establishes the higher standard for the promotion of the public health and safety shall prevail. In any case where a provision of this ordinance is found to be in conflict with an existing provision of any other ordinance or code or regulation in force in the City of Baltimore which establishes a lower standard for the promotion and protection of the public health and safety, the provision of this ordinance shall prevail, and the other existing provision of such other ordinance or code or regulation is hereby repealed to the extent that it may be found in conflict with this ordinance.

SEC. 16. *And be it further ordained*, That this ordinance shall take effect from the date of its passage.

Approved March 26, 1981.

WILLIAM DONALD SCHAEFER, *Mayor*.

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No. 262

(Council No. 511)

AN ORDINANCE concerning

ZONING—APPROVAL FOR CONDITIONAL USE  
PARKING LOT

FOR the purpose of granting permission for the establishment, maintenance and operation of an open off-street parking area on the properties located at 1601 to 1635

Brunt Street, 533 and 535 Wilson Court and the Rear Partial Acquisition Parcel, 10 feet more or less, of 1608 Brunt Street, as outlined in red on the plats accompanying this ordinance.

BY authority of

Article 30—Zoning

Sections 6.3-1b and 11.0-6d

Baltimore City Code (1976 Edition, as amended)

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That permission is hereby granted for the establishment, maintenance and operation of an open off-street parking area on the properties located at 1601 to 1635 Brunt Street, 533 and 535 Wilson Court and the Rear Partial Acquisition Parcel, 10 feet more or less, of 1608 Brunt Street, as outlined in red on the plats accompanying this ordinance, under the provisions of Sections 6.3-1b and 11.0-6d of Article 30 of the Baltimore City Code (1976 Edition, as amended) title "Zoning".

SEC. 2. *And be it further ordained*, That upon passage of this ordinance by the City Council, as evidence of the authenticity of the plat which is a part hereof and in order to give notice to the departments which are administering the Zoning Ordinance, the President of the City Council shall sign the plat and when the Mayor approves the ordinance, he shall sign the plat. The Director of Finance shall then transmit a copy of the ordinance and one of the plats to the following: the Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of the Department of Housing and Community Development and the Zoning Administrator.

SEC. 3. *And be it further ordained*, That this ordinance shall take effect thirty days from the date of its passage.

Approved March 26, 1981.

WILLIAM DONALD SCHAEFER, *Mayor*.



## No. 263

(Council No. 553)

## AN ORDINANCE concerning

SUPPLEMENTARY APPROPRIATION—  
DEPARTMENT OF LEGISLATIVE REFERENCE

FOR the purpose of providing a supplementary special fund appropriation in the amount of Twenty-Two Thousand Dollars (\$22,000) to the Department of Legislative Reference to be used for a survey of historical records of Baltimore's Municipal Government.

BY authority of

Article VI—Board of Estimates

Section 2(h) (2)

Baltimore City Charter (1964 Revision, as amended)

WHEREAS, the money appropriated herein represents a grant from a public source which could not be expected with reasonable certainty at the time of formulation of the fiscal 1981 Ordinance of Estimates; and

WHEREAS, the supplementary special fund appropriation ordained herein has been recommended to the City Council by the Board of Estimates, the said recommendation having been made at a regular meeting of said Board held on the 4th day of March, 1981, all in accordance with Article VI, Section 2(h) (2) of the Baltimore City Charter (1964 Revision, as amended).

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That under the provisions of Article VI, Section 2(h) (2) of the 1964 revision of the Charter of Baltimore City, the sum of Twenty-Two Thousand Dollars (\$22,000) shall be made available to the Department of Legislative Reference of the City of Baltimore as a supplementary special fund appropriation for the fiscal year ending June 30, 1981 for the purpose of a survey of historical records of Baltimore's Municipal Government. The amount thus made available as a supplementary special fund appropriation shall be expended from a grant of funds

to the Mayor and City Council of Baltimore by the U.S. General Services Administration, said sum being specifically allotted to the Mayor and City Council of Baltimore for the aforesaid purpose; and said funds from said U.S. General Services Administration shall be the source of revenue for this supplementary special fund appropriation, as required by Article VI, Section 2 of the Baltimore City Charter (1964 Revision, as amended).

SEC. 2. *And be it further ordained*, That this ordinance shall take effect from the date of its passage.

Approved March 26, 1981.

WILLIAM DONALD SCHAEFER, *Mayor*.

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No. 264

(Council No. 404)

AN ORDINANCE concerning

5712 ROLAND AVENUE — P.U.D.

FOR the purpose of approving the application of Visitation Limited Partnership to have the property known as 5712 Roland Avenue, Baltimore City, Maryland located south of Bellemore Road and west of Roland Avenue, as outlined on the plats accompanying this ordinance, designated a Residential Planned Development in accordance with Sections 12.0-1 and 12.0-2 of Article 30 of the Baltimore City Code (1979 Edition), and to approve the development plan submitted by Visitation Limited Partnership.

WHEREAS, on September 23, 1980, Visitation Limited Partnership, of Baltimore City, met with the Director of Planning, the designated officer of the Planning Commission of Baltimore City, to hold a Pre-petition Conference to explain the scope and nature of existing and proposed development on the property in order to institute proceed-

ings to have said property designated a Residential Planned Development; and

WHEREAS, together herewith Visitation Limited Partnership made formal application to the City Council of Baltimore City and has submitted requisite development plan to include these requirements specified in Sections 12.0-1 and 12.0-2 of Article 30 of the Code (1979 Edition), including, without limitation, (i) a letter of introduction and organization to the Mayor & City Council dated October 10, 1980, (ii) a plan entitled P.U.D. — SITE PLAN which includes the topographical and boundary line map, the patterns of all proposed roadways, the size, arrangement and location of all lots, and the proposed landscaping of the property, and (iii) a full plan of all structures to be located on the property, now therefore

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That the application of Visitation Limited Partnership to designate the property located south of Bellemore Road and west of Roland Avenue, as outlined on the plats accompanying this ordinance, a Residential Planned Development pursuant to Article 30, Sections 12.0-1 and 12.0-2 of the Baltimore City Code (1979 Edition), be and it is hereby approved.

SEC. 2. *And be it further ordained*, That the Development Plan and other documents referenced in the recital paragraphs hereinabove submitted by Visitation Limited Partnership, attached hereto and made a part hereof, be and are hereby approved.

SEC. 3. *And be it further ordained*, That subsequent to the passage of this Ordinance by the City Council, all changes in the approved plan for the development of the property shall be reviewed and approved by the Planning Commission for insurance of such changes consistent with this ordinance.

SEC. 4. *And be it further ordained*, That upon passage of this Ordinance by the City Council, as evidence of the authenticity of each set of plans which is a part hereof, and approved hereby, and in order to give notice to the departments which are administering the Zoning Ordinance, said set of plans shall be signed by the President



of the City Council, and, upon approval of the ordinance by the Mayor, said sets of plans shall be signed by the Mayor of the City of Baltimore, and the City Treasurer shall transmit a copy of the Ordinance and one set of plans to the Board of Municipal and Zoning Appeals, a copy of the ordinance and one set of plans to the Planning Commission, and a copy of the ordinance and one set of plans to the Zoning Administrator of Baltimore City.

SEC. 5. *And be it further ordained*, That this ordinance shall take effect from the date of its passage.

Approved March 31, 1981.

WILLIAM DONALD SCHAEFER, *Mayor*.

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No. 265

(Council No. 344)

AN ORDINANCE concerning

COMMUNITY COLLEGE OF BALTIMORE  
SCHOLARSHIPS

FOR the purpose of authorizing the appointment of ~~part-~~  
HALF-time students TO RECEIVE SCHOLARSHIPS.

BY repealing and reordaining with amendments

Article 24—Schools

Section—6

Baltimore City Code (1976 Edition, as amended)

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That Section 6 of Article 24 of the Baltimore City Code (1976 Edition, as amended), ~~be amended~~ IS HEREBY REPEALED AND REORDAINED to read as follows:

ARTICLE 24—SCHOOLS

Community College of Baltimore

6.

(1) There is hereby established a program of City scholarships for students enrolled as **[regular]** full-time or

~~part-time~~ HALF-TIME students at the Community College of Baltimore. **【Beginning for】** *For* the academic year 1960-1969-1970, and in accordance with the provisions of subsection (2) of this Section, the Mayor may appoint three (3) students, the President of the City Council and the Comptroller may each appoint two (2) students and each member of the City Council may appoint one (1) student, to be educated by the Community College of Baltimore free of charge for tuition for one (1) academic year (two (2) semesters). **【Beginning for】** *For* the academic year 1970-1971 and *each year* thereafter the Mayor may appoint a total of five (5) *full-time* students, the President of the City Council and the Comptroller may each appoint a total of three (3) *full-time* students and each member of the City Council may appoint a total of two (2) *full-time* students, all in accordance with the provisions of subsection (2) of this Section. Any such appointment may be a new appointment or may be a reappointment, in the discretion of the appointing official.

(2) Any scholarship to be awarded or renewed according to the provisions of this Section shall be awarded only to an applicant who has met the following conditions: (a) that he shall be, at the time of the appointment, a resident of the City of Baltimore; (b) that he shall have been accepted for admission or continuance as a **【regular】** full-time or ~~part-~~ HALF-time student to the Community College of Baltimore; and, (c) that his sponsor has satisfied himself that the applicant has need for financial assistance in order to attend college.

(3) ~~For~~ **FOR THE ACADEMIC YEAR 1980-1981 AND EACH YEAR THEREAFTER, FOR any of the appointments provided above, the number of ~~part-time~~ HALF-TIME students equivalent in terms of tuition may be substituted for a full-time student.**

**【(3)】** (4) In case of a vacancy for any reason among any such appointments, the President of the Community College of Baltimore shall promptly notify the official entitled to make any such appointment, who is then entitled to fill the vacancy by awarding the scholarship to another applicant who meets the qualifications listed in subsection (2).

[(4)] (5) The value of the tuition scholarship granted under the provisions of this Section shall not be deducted from the appropriation payable out of the City's general funds for the City's share of the cost of supporting the Community College of Baltimore. The scholarships granted hereunder shall not serve to relieve the State of Maryland or any other third party of its contribution to the cost of operating the Community College of Baltimore.

[(5)] (6) The Board of Trustees of the Community College of Baltimore are hereby empowered to adopt and promulgate such reasonable rules and regulations pertaining to the tuition scholarship program established under this Section as are necessary and convenient for the administration of the program.

SEC. 2. *And be it further ordained*, That this ordinance shall take effect thirty days from the date of its passage.

Approved April 3, 1981.

WILLIAM DONALD SCHAEFER, *Mayor*.

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No. 266

(Council No. 490)

AN ORDINANCE concerning

CITY STREET — OPENING CERTAIN STREETS AND  
ALLEYS LYING WITHIN THE MID-TOWN  
BELVEDERE URBAN RENEWAL PROJECT

FOR the purpose of condemning and opening (1) a 10 foot alley, laid out 45 feet west of Lovegrove Street, 20 feet wide, and extending from Preston Street, 66 feet wide, Southerly 140 feet, more or less, to the end thereof and (2) a 20 foot alley, laid out 120 feet south of Preston Street, 66 feet wide, and extending from Lovegrove Street, 20 feet wide, Westerly 45 feet, more or less, to a 10 foot alley and lying within the area of the Mid-Town Belvedere Urban Renewal Project in ac-



cordance with a plat thereof numbered 338-A-16, prepared by the Surveys and Records Division and filed in the Office of the Department of Public Works, on the Nineteenth (19th) day of November, 1980.

BY authority of

Article I—General Provisions

Section 4

Article II—General Provisions

Sections 2, 34, 35

Baltimore City Charter (1964 Revision, as amended)

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That the Department of Public Works be, and they are hereby authorized and directed to condemn and open (1) a 10 foot alley, laid out 45 feet west of Lovegrove Street, 20 feet wide, and extending from Preston Street, 66 feet wide, Southerly 140 feet, more or less, to the end thereof and (2) a 20 foot alley, laid out 120 feet south of Preston Street, 66 feet wide, and extending from Lovegrove Street, 20 feet wide, Westerly 45 feet, more or less, to a 10 foot alley and lying within the area of the Mid-Town Belvedere Urban Renewal Project the alleys hereby directed to be condemned for said opening being described as follows:

This sheet includes (1) a 10 foot alley, laid out 45 feet west of Lovegrove Street, 20 feet wide, and extending from Preston Street, 66 feet wide, Southerly 140 feet, more or less, to the end thereof and designated as Parcel No. 1 and (2) a 20 foot alley, laid out 120 feet south of Preston Street, 66 feet wide, and extending from Lovegrove Street, 20 feet wide, Westerly 45 feet, more or less, to a 10 foot alley, laid out 45 feet west of said Lovegrove Street and designated as Parcel No. 2.

the said alleys as directed to be condemned being more particularly described and referred to among the Land Records of Baltimore City and delineated and particularly shown on a plat numbered 338-A-16 which was filed in the Office of the Department of Public Works on the Nineteenth (19th) day of November in the year 1980, and is now on file in said Office.

SEC. 2. *And be it further ordained*, That the proceedings of said Department of Public Works, with reference to the condemnation and opening of said alleys and the proceedings and rights of all parties interested or affected thereby, shall be regulated by, and be in accordance with, any and all applicable provisions of Article 4 of the Code of Public Local Laws of Maryland and the Charter of Baltimore City (1964 Revision) as amended to July 31, 1973 and any and all amendments thereto, and any and all other Acts of the General Assembly of Maryland, and any and all ordinances of the Mayor and City Council of Baltimore, and any and all rules or regulations in effect which have been adopted by the Director of Public Works and filed with the Department of Legislative Reference.

SEC. 3. *And be it further ordained*, That this Ordinance shall take effect from the date of its passage.

Approved April 3, 1981.

WILLIAM DONALD SCHAEFER, *Mayor*.

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No. 267

(Council No. 491)

AN ORDINANCE concerning

CITY STREET — CLOSING CERTAIN STREETS AND  
ALLEYS LYING WITHIN THE MID-TOWN  
BELVEDERE URBAN RENEWAL PROJECT

FOR the purpose of condemning and closing (1) a 10 foot alley, laid out 45 feet west of Lovegrove Street, 20 feet wide, and extending from Preston Street, 66 feet wide, Southerly 140 feet, more or less, to the end thereof and (2) a 20 foot alley, laid out 120 feet south of Preston Street, 66 feet wide, and extending from Lovegrove Street, 20 feet wide, Westerly 45 feet, more or less, to a 10 foot alley and lying within the area of the Mid-Town Belvedere Urban Renewal Project in accordance with a plat thereof numbered 338-A-16A, pre-

pared by the Surveys and Records Division and filed in the Office of the Department of Public Works, on the Nineteenth (19th) day of November, 1980.

BY authority of

Article I—General Provisions

Section 4

Article II—General Provisions

Sections 2, 34, 35

Baltimore City Charter (1964 Revision, as amended)

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That the Department of Public Works be, and they are hereby authorized and directed to condemn and close (1) a 10 foot alley, laid out 45 feet west of Lovegrove Street, 20 feet wide, and extending from Preston Street, 66 feet wide, Southerly 140 feet, more or less, to the end thereof and (2) a 20 foot alley, laid out 120 feet south of Preston Street, 66 feet wide, and extending from Lovegrove Street, 20 feet wide, Westerly 45 feet, more or less, to a 10 foot alley and lying within the area of the Mid-Town Belvedere Urban Renewal Project the alleys hereby directed to be condemned for said closing being described as follows:

This sheet includes (1) a 10 foot alley, laid out 45 feet west of Lovegrove Street, 20 feet wide, and extending from Preston Street, 66 feet wide, Southerly 140 feet, more or less, to the end thereof and designated as Parcel No. 1 and (2) a 20 foot alley, laid out 120 feet south of Preston Street, 66 feet wide, and extending from Lovegrove Street, 20 feet wide, Westerly 45 feet, more or less, to a 10 foot alley, laid out 45 feet west of said Lovegrove Street and designated as Parcel No. 2.

the said alleys as directed to be condemned being more particularly described and referred to among the Land Records of Baltimore City and delineated and particularly shown on a plat numbered 338-A-16A which was filed in the Office of the Department of Public Works on the Nineteenth (19th) day of November in the year 1980, and is now on file in said Office.

SEC. 2. *And be it further ordained*, That after said highway or highways shall have been closed under the pro-



visions of this Ordinance, all subsurface structures and appurtenances now owned by the Mayor and City Council of Baltimore, shall be and continue to be the property of the Mayor and City Council of Baltimore, in fee simple, until the use thereof shall be abandoned by the Mayor and City Council of Baltimore, and in the event that any person, firm or corporation shall desire to remove, alter or interfere therewith, such person, firm or corporation shall first obtain permission and permits therefor from the Mayor and City Council of Baltimore, and shall in the application for such permission and permits agree to pay all costs and charges of every kind and nature made necessary by such removal, alteration or interference.

SEC. 3. *And be it further ordained*, That no buildings or structures of any kind shall be constructed or erected in said portion of said highway or highways after the same shall have been closed under the provisions of this Ordinance until the subsurface structures and appurtenances now owned by the Mayor and City Council of Baltimore, over which said buildings or structures are proposed to be constructed or erected shall have been abandoned or shall have been removed and relaid in accordance with the specifications and under the direction of the Director of Public Works of Baltimore City, and at the expense of the person or persons or body corporate desiring to erect such buildings or structures. Railroad tracks shall be taken to be "structures" within the meaning of this section.

SEC. 4. *And be it further ordained*, That after said highway or highways shall have been closed under the provisions of this Ordinance, all subsurface structures and appurtenances owned by any person, firm or corporation, other than the Mayor and City Council of Baltimore, shall upon notice from the Director of Public Works of Baltimore City, be promptly removed by and at the expense of the said owners.

SEC. 5. *And be it further ordained*, That on and after the closing of said highway or highways, the said Mayor and City Council of Baltimore, acting through its duly authorized representatives, shall, at all times, have access to said property and to all subsurface structures and ap-

purtenances used by it therein, for the purposes of inspection, maintenance, repair, alteration, relocation and/or replacement, of any or all of said structures and appurtenances, and this without permission from or compensation to the owner or owners of said land.

SEC. 6. *And be it further ordained*, That the proceedings of said Department of Public Works with reference to the condemnation and closing of said alleys and the proceedings and rights of all parties interested or affected thereby, shall be regulated by, and be in accordance with, any and all applicable provisions of Article 4 of the Code of Public Local Laws of Maryland and the Charter of Baltimore City (1964 Revision) as amended to July 1, 1973 and any and all amendments thereto, and any and all other Acts of the General Assembly of Maryland, and any and all ordinances of the Mayor and City Council of Baltimore, and any and all rules or regulations in effect which have been adopted by the Director of Public Works and filed with the Department of Legislative Reference.

SEC. 7. *And be it further ordained*, That this Ordinance shall take effect from the date of its passage.

Approved April 3, 1981.

WILLIAM DONALD SCHAEFER, *Mayor*.

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No. 268

(Council No. 492)

AN ORDINANCE concerning

CITY STREET—OPENING CERTAIN STREETS  
AND ALLEYS LYING WITHIN THE JOHNSTON  
SQUARE URBAN RENEWAL PROJECT

FOR the purpose of condemning and opening (1) a 10 foot alley, laid out 75 feet south of Chase Street, 66 feet wide, and extending from Somerset Street, 40 feet wide, Easterly 86 feet, more or less, to another 10 foot alley

and (2) a 10 foot alley, laid out 80 feet west of Central Avenue, 70 feet wide, and extending from Chase Street, 66 feet wide, Southerly 347 feet, more or less, to another 10 foot alley and lying within the area of the Johnston Square Urban Renewal Project in accordance with a plat thereof numbered 331-A-4, prepared by the Surveys and Records Division and filed in the Office of the Department of Public Works, on the Third (3rd) day of December, 1980.

BY authority of

Article I—General Provisions

Section 4

Article II—General Provisions

Sections 2, 34, 35

Baltimore City Charter (1964 Revision, as amended).

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That the Department of Public Works be, and they are hereby authorized and directed to condemn and open (1) a 10 foot alley, laid out 75 feet south of Chase Street, 66 feet wide, and extending from Somerset Street, 40 feet wide, Easterly 86 feet, more or less, to another 10 foot alley and (2) a 10 foot alley, laid out 80 feet west of Central Avenue, 70 feet wide, and extending from Chase Street, 66 feet wide, Southerly 347 feet, more or less, to another 10 foot alley and lying within the area of the Johnston Square Urban Renewal Project the alleys hereby directed to be condemned for said opening being described as follows:

This sheet includes (1) a 10 foot alley, laid out 75 feet south of Chase Street, 66 feet wide, and extending from Somerset Street, 40 feet wide, Easterly 86 feet, more or less, to another 10 foot alley, laid out 80 feet west of Central Avenue, 70 feet wide, and designated as Parcel No. 1 and (2) a 10 foot alley, laid out 80 feet west of Central Avenue, 70 feet wide, and extending from Chase Street, 66 feet wide, Southerly 347 feet, more or less, to another 10 foot alley, laid out 75 feet north of Eager Street, 66 feet wide, and designated as Parcel No. 2.

the said alleys as directed to be condemned being more particularly described and referred to among the Land Records of Baltimore City and delineated and particularly



shown on a plat numbered 331-A-4 which was filed in the Office of the Department of Public Works on the Third (3rd) day of December in the year 1980, and is now on file in said Office.

SEC. 2. *And be it further ordained*, That the proceedings of said Department of Public Works, with reference to the condemnation and opening of said alleys and the proceedings and rights of all parties interested or affected thereby, shall be regulated by, and be in accordance with, any and all applicable provisions of Article 4 of the Code of Public Local Laws of Maryland and the Charter of Baltimore City (1964 Revision) as amended to July 1, 1973 and any and all amendments thereto, and any and all other Acts of the General Assembly of Maryland, and any and all ordinances of the Mayor and City Council of Baltimore, and any and all rules or regulations in effect which have been adopted by the Director of Public Works and filed with the Department of Legislative Reference.

SEC. 3. *And be it further ordained*, That this Ordinance shall take effect from the date of its passage.

Approved April 3, 1981.

WILLIAM DONALD SCHAEFER, *Mayor*.

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No. 269

(Council No. 493)

AN ORDINANCE concerning

CITY STREET—CLOSING CERTAIN STREETS AND  
ALLEYS LYING WITHIN THE JOHNSTON  
SQUARE URBAN RENEWAL PROJECT

FOR the purpose of condemning and closing (1) a 10 foot alley, laid out 75 feet south of Chase Street, 66 feet wide, and extending from Somerset Street, 40 feet wide, Easterly 86 feet, more or less, to another 10 foot alley and (2) a 10 foot alley, laid out 80 feet west of Central

Avenue, 70 feet wide, and extending from Chase Street, 66 feet wide, Southerly 347 feet, more or less, to another 10 foot alley and lying within the area of the Johnston Square Urban Renewal Project in accordance with a plat thereof numbered 331-A-4A, prepared by the Surveys and Records Division and filed in the Office of the Department of Public Works, on the Third (3rd) day of December, 1980.

BY authority of

Article I—General Provisions

Section 4

Article II—General Provisions

Sections 2, 34, 35

Baltimore City Charter (1964 Revision, as amended).

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That the Department of Public Works be, and they are hereby authorized and directed to condemn and close (1) a 10 foot alley, laid out 75 feet south of Chase Street, 66 feet wide, and extending from Somerset Street, 40 feet wide, Easterly 86 feet, more or less, to another 10 foot alley and (2) a 10 foot alley, laid out 80 feet west of Central Avenue, 70 feet wide, and extending from Chase Street, 66 feet wide, Southerly 347 feet, more or less, to another 10 foot alley and lying within the area of the Johnston Square Urban Renewal Project the alleys hereby directed to be condemned for said closing being described as follows:

This sheet includes (1) a 10 foot alley, laid out 75 feet south of Chase Street, 66 feet wide, and extending from Somerset Street, 40 feet wide, Easterly 86 feet, more or less, to another 10 foot alley, laid out 80 feet west of Central Avenue, 70 feet wide, and designated as Parcel No. 1 and (2) a 10 foot alley, laid out 80 feet west of Central Avenue, 70 feet wide, and extending from Chase Street, 66 feet wide, Southerly 347 feet, more or less, to another 10 foot alley, laid out 75 feet north of Eager Street, 66 feet wide, and designated as Parcel No. 2.

the said alleys as directed to be condemned being more particularly described and referred to among the Land Records of Baltimore City and delineated and particularly

shown on a plat numbered 331-A-4A which was filed in the Office of the Department of Public Works on the Third (3rd) day of December in the year 1980, and is now on file in said Office.

SEC. 2. *And be it further ordained*, That after said highway or highways shall have been closed under the provisions of this Ordinance, all subsurface structures and appurtenances now owned by the Mayor and City Council of Baltimore, shall be and continue to be the property of the Mayor and City Council of Baltimore, in fee simple, until the use thereof shall be abandoned by the Mayor and City Council of Baltimore, and in the event that any person, firm or corporation shall desire to remove, alter or interfere therewith, such person, firm or corporation shall first obtain permission and permits therefor from the Mayor and City Council of Baltimore, and shall in the application for such permission and permits agree to pay all costs and charges of every kind and nature made necessary by such removal, alteration or interference.

SEC. 3. *And be it further ordained*, That no buildings or structures of any kind shall be constructed or erected in said portion of said highway or highways after the same shall have been closed under the provisions of this Ordinance until the subsurface structures and appurtenances now owned by the Mayor and City Council of Baltimore, over which said buildings or structures are proposed to be constructed or erected shall have been abandoned or shall have been removed and relaid in accordance with the specifications and under the direction of the Director of Public Works of Baltimore City, and at the expense of the person or persons or body corporate desiring to erect such buildings or structures. Railroad tracks shall be taken to be "structures" within the meaning of this section.

SEC. 4. *And be it further ordained*, That after said highway or highways shall have been closed under the provisions of this Ordinance, all subsurface structures and appurtenances owned by any person, firm or corporation, other than the Mayor and City Council of Baltimore, shall upon notice from the Director of Public Works of Baltimore City, be promptly removed by and at the expense of the said owners.



SEC. 5. *And be it further ordained*, That on and after the closing of said highway or highways, the said Mayor and City Council of Baltimore, acting through its duly authorized representatives, shall, at all times, have access to said property and to all subsurface structures and appurtenances used by it therein, for the purposes of inspection, maintenance, repair, alteration, relocation and/or replacement, of any or all of said structures and appurtenances, and this without permission from or compensation to the owner or owners of said land.

SEC. 6. *And be it further ordained*, That the proceedings of said Department of Public Works with reference to the condemnation and closing of said alleys and the proceedings and rights of all parties interested or affected thereby, shall be regulated by, and be in accordance with, any and all applicable provisions of Article 4 of the Code of Public Local Laws of Maryland and the Charter of Baltimore City (1964 Revision) as amended to July 1, 1973 and any and all amendments thereto, and any and all other Acts of the General Assembly of Maryland, and any and all ordinances of the Mayor and City Council of Baltimore, and any and all rules or regulations in effect which have been adopted by the Director of Public Works and filed with the Department of Legislative Reference.

SEC. 7. *And be it further ordained*, That this Ordinance shall take effect from the date of its passage.

Approved April 3, 1981.

WILLIAM DONALD SCHAEFER, *Mayor*.

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No. 270

(Council No. 486)

AN ORDINANCE concerning

CITY STREET—CLOSING OF CLINTON STREET

FOR the purpose of condemning and closing Clinton Street, 70 feet wide, and extending from Newgate Avenue, South 02°-51'-40" East 758 feet, more or less, to the

pierhead line as established by the U. S. Army Corps of Engineers, Baltimore District, Baltimore, Maryland in accordance with a plat thereof numbered 338-A-17, prepared by the Surveys and Records Division and filed in the Office of the Department of Public Works, on the Twelfth (12th) day of December, 1980.

BY authority of

Article I—General Provisions

Section—4

Article II—General Provisions

Sections—2, 34, 35

Baltimore City Charter (1964 Revision, as amended)

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That the Department of Public Works be, and they are hereby authorized and directed to condemn and close Clinton Street, 70 feet wide, and extending from Newgate Avenue, South  $02^{\circ}-51'-40''$  East 758 feet, more or less, to the pierhead line as established by the U. S. Army Corps of Engineers, Baltimore District, Baltimore, Maryland the street hereby directed to be condemned for said closing being described as follows:

Beginning for the same at the point formed by the intersection of the south side of Newgate Avenue, 70 feet wide, and the east side of Clinton Street, 70 feet wide, and running thence binding on the east side of said Clinton Street, South  $02^{\circ}-51'-40''$  East 793 feet, more or less, to the pierhead line, as established by the U. S. Army Corps of Engineers, Baltimore District, Baltimore, Maryland; thence binding on said pierhead line, Northwesterly 99 feet, more or less, to intersect the line of the west side of said Clinton Street; thence binding on the west side of said Clinton Street, North  $02^{\circ}-51'-40''$  West 723 feet, more or less, to intersect the line of the south side of said Newgate Avenue, if projected westerly and thence binding reversely on said line so projected, Easterly 70 feet to the place of beginning and designated as Parcel No. 1.

the said Clinton Street as directed to be condemned being more particularly described and referred to among the Land Records of Baltimore City and delineated and particularly shown on a plat numbered 338-A-17 which was

filed in the Office of the Department of Public Works on the Twelfth (12th) day of December in the year 1980 and is now on file in said Office.

SEC. 2. *And be it further ordained*, That after said highway or highways shall have been closed under the provisions of this Ordinance, all subsurface structures and appurtenances now owned by the Mayor and City Council of Baltimore, shall be and continue to be the property of the Mayor and City Council of Baltimore, in fee simple, until the use thereof shall be abandoned by the Mayor and City Council of Baltimore, and in the event that any person, firm or corporation shall desire to remove, alter or interfere therewith, such person, firm or corporation shall first obtain permission and permits therefor from the Mayor and City Council of Baltimore, and shall in the application for such permission and permits agree to pay all costs and charges of every kind and nature made necessary by such removal, alteration or interference.

SEC. 3. *And be it further ordained*, That no buildings or structures of any kind shall be constructed or erected in said portion of said highway or highways after the same shall have been closed under the provisions of this Ordinance until the subsurface structures and appurtenances over which said buildings or structures are proposed to be constructed or erected shall have been abandoned or shall have been removed and relaid in accordance with the specifications and under the direction of the Director of Public Works of Baltimore City, and at the expense of the person or persons or body corporate desiring to erect such buildings or structures. Railroad tracks shall be taken to be "structures" within the meaning of this section.

SEC. 4. *And be it further ordained*, That on and after the closing of said highway or highways, the said Mayor and City Council of Baltimore, acting through its duly authorized representatives, shall, at all times, have access to said property and to all subsurface structures and appurtenances used by it therein, for the purposes of inspection, maintenance, repair, alteration, relocation and/or replacement, of any or all of said structures and appurtenances, and this without permission from or compensation to the owner or owners of said land.



SEC. 5. *And be it further ordained*, That the proceedings of said Department of Public Works with reference to the condemnation and closing of said Clinton Street and the proceedings and rights of all parties interested or affected thereby, shall be regulated by, and be in accordance with, any and all applicable provisions of Article 4 of the Code of Public Local Laws of Maryland and the Charter of Baltimore City (1964 Revision) as amended to July 1, 1973 and any and all amendments thereto, and any and all other Acts of the General Assembly of Maryland, and any and all ordinances of the Mayor and City Council of Baltimore, and any and all rules or regulations in effect which have been adopted by the Director of Public Works and filed with the Department of Legislative Reference.

SEC. 6. *And be it further ordained*, That this Ordinance shall take effect from the date of its passage.

Approved April 8, 1981.

WILLIAM DONALD SCHAEFER, *Mayor*.

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No. 271

(Council No. 544)

AN ORDINANCE concerning

PARKING—RESERVED

FOR the purpose of repealing Ordinance No. 886, approved October 31, 1978, rescinding reserved parking space on Walrad Avenue near Yale Avenue for George Cover.

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That Ordinance 886, approved October 31, 1978, be and the same is hereby repealed.

SEC. 2. *And be it further ordained*, That this ordinance shall take effect on the date of its passage.

Approved April 8, 1981.

WILLIAM DONALD SCHAEFER, *Mayor*.

## No. 272

(Council No. 563)

## AN ORDINANCE concerning

INDUSTRIAL DEVELOPMENT REVENUE BONDS—  
(HENRY J. KNOTT, JR. PROJECT)

FOR the purpose of authorizing and empowering Mayor and City Council of Baltimore to issue and sell, at any time or from time to time and in one or more series, as limited obligations of the City and not upon its full faith and credit, its industrial development revenue bonds, in the aggregate principal amount not to exceed \$800,000, pursuant to the provisions of Sub-section (50) of Article II of the Charter of Baltimore City (1964 Revision), as amended, for the sole and exclusive purpose of financing the costs of the completion by Henry J. Knott, Jr. or by a limited partnership to be formed by him, of a certain project in Baltimore City consisting of the acquisition of the real property known as the Superior Fireplace Company Building located at 1516 Baylis Street in Baltimore City, the renovation of certain improvements thereon, and the purchase and installation of certain machinery and equipment therein, to be owned by Henry J. Knott, Jr. or by a limited partnership to be formed by him, and leased to Henry J. Knott, Inc., a Maryland corporation for use as a manufacturer of masonry panels; authorizing the Mayor of the City, on behalf of the City, to accept the letter of intent dated January 16, 1981; making certain legislative findings; authorizing and empowering the Board of Finance of the City, by a resolution or resolutions adopted prior to the issuance, sale and delivery of any series of such bonds, to (a) prescribe, among other things but not limited to, the form, terms, provisions, manner or method of issuing and selling (including negotiated as well as competitive bid sale), and the time or times of issuance, and any and all other details of such bonds, and (b) do any and all things necessary, proper or expedient in connection with the issuance and sale of such bonds; providing that Henry J. Knott, Jr. or a limited partnership formed by him shall agree to submit any plans and

specifications to, and to coordinate with, the Department of Housing and Community Development in connection with the completion of such project; providing that such bonds must be issued and sold within six months from the date this Ordinance is approved by the Mayor, unless the Board of Finance approves one six month extension as provided in this Ordinance; and generally providing for and determining various matters and details in connection with the issuance and sale of such bonds.

### RECITALS

Sub-section (50) of Article II of the Charter of Baltimore City (1964 Revision), as amended (the "Enabling Law"), empowers Mayor and City Council of Baltimore (the "City") to borrow money to finance undertakings for the accomplishment of any of the purposes, objects and powers of the City and in connection therewith to issue bonds, notes, or other obligations (including refunding bonds, notes or other obligations), all of which shall be fully negotiable, payable, as to both principal and interest, solely from and secured solely by a pledge of (I) the revenues from or arising in connection with the property, facilities, developments and improvements whose financing is undertaken by the issuance of such bonds, notes or other obligations, (II) the revenues from or arising in connection with any contracts, mortgages or other securities purchased or otherwise acquired with the proceeds of such bonds, notes or other obligations, (III) the contracts, mortgages or other securities purchased or otherwise acquired with the proceeds of such bonds, notes or other obligations, or (IV) any combination of (I), (II) or (III). The purposes, objects and powers of the City contemplated by the Enabling Law include the relief of conditions of unemployment in Baltimore City, encouraging the increase of industry and a balanced economy in Baltimore City, promoting economic development in Baltimore City, and promoting the health, welfare and safety of the residents of Baltimore City.

The City has received a letter of intent dated January 16, 1981 (the "Letter of Intent") from Henry J. Knott, Jr., on behalf of himself or a limited partnership to be formed by him (collectively, the "Borrower"), pursuant to which



the Borrower has requested the City to participate in the financing of the costs of the completion by the Borrower of a certain project in Baltimore City, Maryland (the "Project"), by issuing and selling the City's industrial development revenue bonds in the aggregate principal amount not to exceed \$800,000 (the "Bonds"), and by making the proceeds of the Bonds available to the Borrower to be used by the Borrower for the sole and exclusive purpose of financing the costs of the completion of the Project by the Borrower.

The Project will consist generally of (a) the acquisition of a tract of land containing approximately 1.4 acres, located at 1516 Baylis Street in Baltimore City, (b) the renovation of a 91,000 square foot building thereon known as the Superior Fireplace Company Building consisting of masonry and warehouse space, and (c) the acquisition and installation in such building of any or all machinery and equipment as may be necessary or useful in connection with the operation thereof, including welder, miscellaneous panel materials and equipment. Upon completion, the Project will be owned by the Borrower and leased to Henry J. Knott, Inc., a Maryland corporation, to be used for the manufacture of masonry panels.

The Enabling Law provides that the City may authorize and empower the Board of Finance of the City (the "Board") by resolution to determine and set forth the form, terms, provisions, manner or method of issuing and selling (including negotiated as well as competitive bid sale), and the time or times of issuance, and any and all other details of the Bonds and the issuance and sale thereof, and to do any and all things necessary, proper or expedient in connection with the issuance and sale of the Bonds.

**NOW THEREFORE, IN ACCORDANCE WITH THE ENABLING LAW:**

**SECTION 1.** *Be it ordained by Mayor and City Council of Baltimore,* That acting pursuant to the Enabling Law, it is hereby found and determined as follows:

(1) The issuance and sale of the Bonds by the City pursuant to the Enabling Law in order to make the pro-

ceeds thereof available to the Borrower for the sole and exclusive purpose of financing the costs of completion of the Project will facilitate and expedite the completion of the Project by the Borrower.

(2) The completion of the Project by the Borrower and the financing of the costs of such completion as provided in this Ordinance will serve to promote the general purposes contemplated by the Enabling Law by (a) sustaining jobs and employment in Baltimore City; (b) promoting economic development in Baltimore City; (c) encouraging the increase of industry and a balanced economy in Baltimore City; and (d) increasing employment due to the emerging business of manufacturing masonry panels.

(3) Any and all of the Bonds shall not be general obligations of the City and shall not be a pledge of or involve the faith and credit or the taxing power of the City, and shall not constitute a debt of the City, all within the meaning of Section 7 of Article XI of the Constitution of Maryland or within the meaning of any other constitutional, statutory or charter provision limiting or restricting the sale or issuance of bonds, notes or other obligations of the City. All of the Bonds shall be limited obligations of the City, and shall be fully negotiable, payable, as to both principal and interest, solely from and secured solely by a pledge of (I) the revenues from or arising in connection with the Project, (II) the revenues from or arising in connection with any contracts, mortgages or other securities purchased or otherwise acquired with the proceeds of the Bonds, (III) the contracts, mortgages or other securities purchased or otherwise acquired with the proceeds of the Bonds, or (IV) any combination of (I), (II) or (III), all as the Board may approve by a resolution or resolutions adopted prior to the issuance, sale and delivery of any of the Bonds.

SEC. 2. *And be it further ordained*, That the City is hereby authorized and empowered to issue and sell, at any time or from time to time and in one or more series, as limited obligations of the City and not upon its full faith and credit, its industrial development revenue bonds, in the aggregate principal amount not to exceed \$800,000, subject to the provisions of this Ordinance. The proceeds

of the Bonds will be made available to the Borrower under terms and conditions approved by the Board and set forth in a Resolution, and used by the Borrower for the sole and exclusive purpose of financing the costs of the completion of the Project.

SEC. 3. *And be it further ordained*, That this Ordinance constitutes the present intent of the City to issue the Bonds, and the Mayor of the City is hereby authorized to accept the Letter of Intent on behalf of the City in order to further evidence the present intent of the City to issue the Bonds in accordance with the terms and provisions of this Ordinance.

SEC. 4. *And be it further ordained*, That, as permitted by the Enabling Law, the Board is hereby authorized and empowered, by a resolution or resolutions adopted prior to the issuance, sale and delivery of any of the Bonds, to:

(a) prescribe, among other things but not limited to, the form, terms, provisions, manner or method of issuing and selling (including negotiated as well as competitive bid sale), and the time or times of issuance, and any and all other details of the Bonds and the issuance and sale thereof;

(b) approve (i) the pledge or assignment by the City of any of the security described in Section 5 of this Ordinance, pursuant to a trust agreement or similar agreement, (ii) the form of any such trust agreement or similar agreement, as provided in the Enabling Law, and (iii) such provisions in any such trust agreement or similar agreement as the Board may deem reasonable and proper for the security of the holders of the Bonds;

(c) approve the terms and conditions, including but not limited to the terms and conditions of any documents to be executed and delivered by the City (other than customary financing statements and closing certificates), under which the proceeds of the Bonds will be made available to the Borrower to finance the costs of the completion of the Project; and

(d) do any and all things necessary, proper or expedient in connection with the issuance, sale and delivery of the Bonds.



SEC. 5. *And be it further ordained*, That any and all of the Bonds shall not be general obligations of the City and shall not be a pledge of or involve the faith and credit or the taxing power of the City, and shall not constitute a debt of the City, all within the meaning of Section 7 of Article XI of the Constitution of Maryland or any other constitutional, statutory or charter provision limiting or restricting the sale or issuance of bonds, notes or other obligations of the City. All of the Bonds shall be limited obligations of the City, and shall be fully negotiable, payable, as to both principal and interest, solely from and secured solely by a pledge of (I) the revenues from or arising in connection with the Project, (II) the revenues from or arising in connection with any contracts, mortgages or other securities purchased or otherwise acquired with the proceeds of the Bonds, (III) the contracts, mortgages or other securities purchased or otherwise acquired with the proceeds of the Bonds, or (IV) any combination of (I), (II) or (III), all as the Board may approve by a resolution or resolutions adopted prior to the issuance, sale and delivery of any of the Bonds.

SEC. 6. *And be it further ordained*, That the Borrower shall agree that:

(a) it will submit any plans and specifications for the Project to the Department of Housing and Community Development for approval, and that the Department of Housing and Community Development may refuse approval of any plans and specifications for aesthetic or functional reasons; and

(b) it and its developers will work with the design advisory group appointed by the Department of Housing and Community Development in order to achieve high quality site, building, and landscape design.

SEC. 7. *And be it further ordained*, That the provisions of this Ordinance are severable, and if any provision, sentence, clause, section or part hereof is held illegal, invalid or unconstitutional or inapplicable to any person or circumstances, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of

the remaining provisions, sentences, clauses, sections, or parts of this Ordinance or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this Ordinance would have been passed if such illegal, invalid or unconstitutional provision, sentence, clause, section or part had not been included herein, and if the person or circumstances to which this Ordinance or any part hereof are inapplicable had been specifically exempted herefrom.

SEC. 8. *And be it further ordained*, That the Bonds must be issued and sold within six months from the date on which this Ordinance is approved by the Mayor of the City; provided, however, that the Board, after a showing of good cause at a public hearing held before the Board prior to or after the expiration of such six month period, may extend the period during which the Bonds may be issued and sold for one additional term not to exceed six months from the date on which the first six months period expired. The Board, in its sole discretion, and without action by the City Council, shall determine the sufficiency, or lack thereof, of the reasons presented for any requested extension of the six month period. If an extension is granted, notice of such extension and the reasons therefor must be sent to the City Council. To the extent that the Bonds are not issued and sold within twelve months from the date on which this Ordinance is approved by the Mayor of the City, the authority provided in this Ordinance for the City to issue and sell the Bonds shall expire.

SEC. 9. *And be it further ordained*, That this Ordinance shall take effect from the date of its passage.

Approved April 8, 1981.

WILLIAM DONALD SCHAEFER, *Mayor*.

## No. 273

(Council No. 556)

## AN ORDINANCE concerning

INDUSTRIAL DEVELOPMENT REVENUE  
BONDS—(METAL FABRICATORS,  
INC. PROJECT)

FOR the purpose of authorizing and empowering Mayor and City Council of Baltimore to issue and sell, at any time or from time to time and in one or more series, as limited obligations of the City and not upon its full faith and credit, its industrial development revenue bonds, in the aggregate principal amount not to exceed \$600,000.00, pursuant to the provisions of Sub-section (50) of Article II of the Charter of Baltimore City (1964 Revision), as amended, for the sole and exclusive purpose of financing the costs of the acquisition by Metal Fabricators, Inc., a Maryland corporation, of a certain project in Baltimore City consisting of the acquisition of the real property and certain improvements thereon located at 4211-4215 Erdman Avenue in Baltimore City, and the purchase of certain machinery and equipment and other improvements therein, to be owned and used by Metal Fabricators, Inc.; authorizing the Mayor of the City, on behalf of the City, to accept the letter of intent dated January 30, 1981 from Metal Fabricators, Inc. to the City; making certain legislative findings; authorizing and empowering the Board of Finance of the City, by a resolution or resolutions adopted prior to the issuance, sale and delivery of any series of such bonds, to (a) prescribe, among other things but not limited to, the form, terms, provisions, manner or method of issuing and selling (including negotiated as well as competitive bid sale), and the time or times of issuance, and any and all other details of such bonds, and (b) do any and all things necessary, proper or expedient in connection with the issuance and sale of such bonds; providing that Metal Fabricators, Inc. shall agree to submit any plans and specifications to, and to coordinate with, the Department of Housing and Community Development in connection with the com-



pletion of such project; providing that such bonds must be issued and sold within six months from the date this Ordinance is approved by the Mayor, unless the Board of Finance approves one six month extension as provided in this Ordinance; and generally providing for and determining various matters and details in connection with the issuance and sale of such bonds.

### RECITALS

Sub-section (50) of Article II of the Charter of Baltimore City (1964 Revision), as amended (the "Enabling Law"), empowers Mayor and City Council of Baltimore (the "City") to borrow money to finance undertakings for the accomplishment of any of the purposes, objects and powers of the City and in connection therewith to issue bonds, notes, or other obligations (including refunding bonds, notes or other obligations), all of which shall be fully negotiable, payable, as to both principal and interest, solely from and secured solely by a pledge of (I) the revenues from or arising in connection with the property, facilities, developments and improvements whose financing is undertaken by the issuance of such bonds, notes or other obligations, (II) the revenues from or arising in connection with any contracts, mortgages or other securities purchased or otherwise acquired with the proceeds of such bonds, notes or other obligations, (III) the contracts, mortgages or other securities purchased or otherwise acquired with the proceeds of such bonds, notes or other obligations, or (IV) any combination of (I), (II) or (III). The purposes, objects and powers of the City contemplated by the Enabling Law include the relief of conditions of unemployment in Baltimore City, encouraging the increase of industry and a balanced economy in Baltimore City, promoting economic development in Baltimore City, and promoting the health, welfare and safety of the residents of Baltimore City.

The City has received a letter of intent dated January 30, 1981 (the "Letter of Intent") from Metal Fabricators, Inc., a Maryland corporation (the "Borrower"), pursuant to which the Borrower has requested the City to participate in the financing of the costs of the acqui-

sition by the Borrower of a certain project in Baltimore City, Maryland (the "Project"), by issuing and selling the City's industrial development revenue bonds in the aggregate principal amount not to exceed \$1,000,000.00 (the "Bonds"), and by loaning the proceeds of the Bonds to the Borrower, upon the terms and conditions of an Industrial Building Financing Agreement to be entered into, among others, the City and the Borrower (the "Financing Agreement"), as permitted by the Enabling Law (such loan being herein referred to as the "Loan"), to be used by the Borrower for the sole and exclusive purpose of financing the costs of the acquisition of the Project by the Borrower.

The Project, which is an "undertaking" which will accomplish the purposes, objects and powers of the City as mentioned in the Enabling Law, will consist generally of (a) the acquisition of a tract of land containing approximately 4.132 acres located at 4211-4215 Erdman Avenue in Baltimore City, (b) the acquisition of a building of approximately 32,000 square foot thereon, (c) the acquisition of such machinery and equipment, and any and all other improvements in such building, as may be necessary or useful in connection with the operation thereof, and (d) the acquisition of other interests in land as may be necessary or suitable for the foregoing, including roads and rights of access, utilities and other necessary site preparation. Upon completion, the Project will be owned by the Borrower for use as a metal fabrication facility.

The Enabling Law provides that the City may authorize and empower the Board of Finance of the City (the "Board") by resolution to determine and set forth the form, terms, provisions, manner or method of issuing and selling (including negotiated as well as competitive bid sale), and the time or times of issuance, and any and all other details of the Bonds and the issuance and sale thereof, and to do any and all things necessary, proper or expedient in connection with the issuance and sale of the Bonds.

NOW THEREFORE, IN ACCORDANCE WITH THE ENABLING LAW:

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That acting pursuant to the Enabling Law, it is hereby found and determined as follows:

(1) The issuance and sale of the Bonds by the City pursuant to the Enabling Law in order to lend the proceeds thereof to the Borrower for the sole and exclusive purpose of financing the costs of acquisition of the Project will facilitate and expedite the acquisition of the Project by the Borrower.

(2) The acquisition of the Project by the Borrower and the financing of the costs of such acquisition as provided in this Ordinance will serve to promote the general purposes contemplated by the Enabling Law by (a) sustaining jobs and employment in Baltimore City; (b) promoting economic development in Baltimore City; and (c) encouraging the increase of industry and a balanced economy in Baltimore City.

(3) Any and all of the Bonds and the interest thereon shall not be general obligations of the City and shall not be a pledge of or involve the faith and credit or the taxing power of the City, and shall not constitute a debt of the City, all within the meaning of Section 7 of Article XI of the Constitution of Maryland or within the meaning of any other constitutional, statutory or charter provision limiting or restricting the sale or issuance of bonds, notes or other obligations of the City. All of the Bonds shall be limited obligations of the City, and shall be fully negotiable, payable, as to both principal and interest, solely from and secured solely by a pledge of the revenue derived from Loan repayments (both principal and interest) made to the City by the Borrower on account of the Loan and from any other moneys made available to the City for such purpose, all as the Board may approve by a resolution or resolutions adopted prior to the issuance, sale and delivery of the Bonds. The proceeds of the revenue bonds will be paid directly to a corporate trustee (to be appointed by the Board) or a project fund trustee (which may be the original purchaser of the Bonds), to be held and disbursed by such trustee or project fund trustee as provided in the Financing Agreement, to be approved by the Board in the Resolution; provided, however, that if the Board finds and determines, pursuant to the Resolution, that the Project



will be completed on or before the date of delivery of the Bonds, the Board may provide in the Resolution that the proceeds of the Bonds will be paid directly to the Borrower, or for the account of the Borrower, to be used by the Borrower to pay the costs of, or to reimburse the Borrower for the payment of the costs of, the acquisition of the Project, as provided in the Financing Agreement to be approved by the Board in the Resolution. Payments of the principal of and premium (if any) and interest on the Loan will be paid by the Borrower directly to such trustee or to the original purchaser of the Bonds, its successors and assigns, as provided in the Financing Agreement, to be approved by the Board in the Resolution. No such moneys will be commingled with the City's funds or will be subject to the absolute control of the City, but will be subject only to such limited supervision and checks as are deemed necessary or desirable by the City to insure that the proceeds of the Bonds are used to accomplish the public purposes of the Enabling Law and this Ordinance. The loan form of transaction authorized hereunder shall in no event constitute a capital project within the meaning of any charter or statutory provision. The public purposes expressed in the Enabling Law are to be achieved by facilitating the acquisition of the Project by the Borrower.

(4) The City will acquire no interest in the Project other than (a) any general interest in the Borrower's property shared by all holders of the Borrower's obligations which rank and are secured equally with the Borrower's obligations pursuant to the Financing Agreement, (b) any lien and security interest created by the Financing Agreement, and (c) any interest created by any other mortgage or deed of trust or other security instrument executed and delivered by the Borrower or any third party as security for the Loan or the Bonds as the Board may provide for and approve in the Resolution. The security for the Bonds shall be solely and exclusively (a) the absolute, irrevocable and unconditional obligations of the Borrower to make the payments required by the Financing Agreement, (b) moneys realized from the liquidation of any lien and security interest created by the Financing Agreement and of any other lien or security interest created with respect to any property as security for the Loan

or the Bonds as the Board may provide for and approve in the Resolution, and (c) moneys realized from any guaranty of the Bonds or of the Loan as the Board may provide for and approve in the Resolution.

(5) The best interest of the City will be served by selling the Bonds at private (negotiated) sale, as authorized by the Enabling Law, upon terms and conditions approved by the Board in the Resolution.

SEC. 2. *And be it further ordained*, That the City is hereby authorized and empowered to issue and sell, at any time or from time to time and in one or more series, as limited obligations of the City and not upon its full faith and credit, its industrial development revenue bonds, in the aggregate principal amount not to exceed \$600,000.00, subject to the provisions of this Ordinance. The proceeds of the Bonds will be loaned to the Borrower under terms and conditions approved by the Board and set forth in a Resolution, and used by the Borrower for the sole and exclusive purpose of financing the costs of the acquisition of the Project.

SEC. 3. *And be it further ordained*, That each of the Bonds shall bear the descriptive title "Baltimore City, Maryland Industrial Development Revenue Bonds (Metal Fabricators, Inc. Project)", provided, that the descriptive title may contain such other descriptive information as the Board may prescribe in the Resolution (e.g. "1981 Series"). The Bonds shall bear interest at the rate or rates of interest to be determined by negotiation with the original purchaser or purchasers of the Bonds and to be approved and prescribed by the Board in the Resolution.

SEC. 4. *And be it further ordained*, That the definitive Bonds, which may be engraved, printed or typewritten, including a Certificate of Authentication to be endorsed thereon, if required by the Financing Agreement, shall be in such form, not inconsistent with the Enabling Law and the provisions of this Ordinance, as the Board may approve in the Resolution.

SEC. 5. *And be it further ordained*, That this Ordinance constitutes the present intent of the City to issue the Bonds, and the Mayor of the City is hereby authorized to

accept the Letter of Intent on behalf of the City in order to further evidence the present intent of the City to issue the Bonds in accordance with the terms and provisions of this Ordinance.

SEC. 6. *And be it further ordained*, That, as permitted by the Enabling Law, the Board is hereby authorized and empowered, by a resolution or resolutions adopted prior to the issuance, sale and delivery of any of the Bonds, to:

(a) prescribe, among other things but not limited to, the form, terms, provisions, manner or method of issuing and selling (including negotiated as well as competitive bid sale), and the time or times of issuance, and any and all other details of the Bonds and the issuance and sale thereof;

(b) approve (i) the pledge or assignment by the City of any of the security described in Section 1 of this Ordinance, pursuant to the Financing Agreement, (ii) the form of the Financing Agreement, as provided in the Enabling Law, and (iii) such provisions in the Financing Agreement as the Board may deem reasonable and proper for the security of the holders of the Bonds;

(c) approve the terms and conditions, including but not limited to the terms and conditions of any documents to be executed and delivered by the City (other than customary financing statements and closing certificates), under which the proceeds of the Bonds will be loaned to the Borrower to finance the costs of the acquisition of the Project; and

(d) do any and all things necessary, proper or expedient in connection with the issuance, sale and delivery of the Bonds.

SEC. 7. *And be it further ordained*, That any and all of the Bonds shall not be general obligations of the City and shall not be a pledge of or involve the faith and credit or the taxing power of the City, and shall not constitute a debt of the City, all within the meaning of Section 7 of Article XI of the Constitution of Maryland or any other constitutional, statutory or charter provision limiting or restricting the sale or issuance of bonds, notes or other



obligations of the City. All of the Bonds shall be limited obligations of the City, and shall be fully negotiable, payable, as to both principal and interest, solely from and secured solely by a pledge of the revenue derived from Loan repayments (both principal and interest) made to the City by the Borrower pursuant to the Financing Agreement and from any other moneys made available to the City for such purpose, all as the Board may approve by a resolution or resolutions adopted prior to the issuance, sale and delivery of any of the Bonds.

SEC. 8. *And be it further ordained*, That the Borrower shall agree that:

(a) it will submit any plans and specifications for the Project to the Department of Housing and Community Development for approval, and that the Department of Housing and Community Development may refuse approval of any plans and specifications for aesthetic or functional reasons; and

(b) it and its developers will work with the design advisory group appointed by the Department of Housing and Community Development in order to achieve high quality site, building, and landscape design.

SEC. 9. *And be it further ordained*, That any and all of the Bonds shall be executed in the name of the City and on its behalf by the Mayor of the City, by his manual or facsimile signature, and by the Director of Finance of the City, by his manual or facsimile signature, and the corporate seal of the City or a facsimile thereof shall be impressed or otherwise reproduced thereon and attested by the Custodian of the City Seal, by his manual signature. Any trust agreement or other documents as the Board shall deem necessary to effectuate the issuance, sale and delivery of the Bonds shall be executed in the name of the City and on its behalf by the Mayor of the City by his manual or facsimile signature, and the corporate seal of the City or a facsimile thereof shall be impressed or otherwise reproduced thereon and attested by the Custodian of the City Seal by his manual signature. In case any officer whose signature or a facsimile of whose signature shall appear on the Bonds or any of the aforesaid documents

shall cease to be such officer before the delivery of the Bonds or any of the other aforesaid documents, such signature or such facsimile shall nevertheless be valid and sufficient for all purposes, the same as if such officer had remained in office until delivery. The Mayor of the City, the Director of Finance of the City, the Custodian of the City Seal and other officials of the City are hereby authorized and empowered to do all such acts and things and execute such documents and certificates as the Board may determine by resolution to be necessary to carry out and comply with the provisions hereof.

SEC. 10. *And be it further ordained*, That any and all necessary financing statements required for the consummation of the transactions authorized by this Ordinance may be executed on behalf of the City by the Mayor of the City or by the Chief, Bureau of Treasury Management of the City or by such other appropriate official of the City as may be designated by the Mayor of the City to execute such financing statements.

SEC. 11. *And be it further ordained*, That the provisions of this Ordinance are severable, and if any provision, sentence, clause, section or part hereof is held illegal, invalid or unconstitutional or inapplicable to any person or circumstances, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this Ordinance or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this Ordinance would have been passed if such illegal, invalid or unconstitutional provision, sentence, clause, section or part had not been included herein, and if the person or circumstances to which this Ordinance or any part hereof are inapplicable had been specifically exempted herefrom.

SEC. 12. *And be it further ordained*, That the Bonds must be issued and sold within six months from the date on which this Ordinance is approved by the Mayor of the City; provided, however, that the Board, after a showing of good cause at a public hearing held before the Board prior to or after the expiration of such six month period,

may extend the period during which the Bonds may be issued and sold for one additional term not to exceed six months from the date on which the first six month period expired. The Board, in its sole discretion, and without action by the City Council, shall determine the sufficiency, or lack thereof, of the reasons presented for any requested extension of the six month period. If an extension is granted, notice of such extension and the reasons therefor must be sent to the City Council. To the extent that the Bonds are not issued and sold within twelve months from the date on which this Ordinance is approved by the Mayor of the City, the authority provided in this Ordinance for the City to issue and sell the Bonds shall expire.

SEC. 13. *And be it further ordained*, That this Ordinance shall take effect from the date of its passage.

Approved April 16, 1981.

WILLIAM DONALD SCHAEFER, *Mayor*.

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No. 274

(Council No. 557)

AN ORDINANCE concerning

CHARTER (INDUSTRIAL DEVELOPMENT  
REVENUE) BONDS—  
(GREEK ORTHODOX CATHEDRAL  
PARKING PROJECT)

FOR the purpose of authorizing and empowering Mayor and City Council of Baltimore (the "City") to issue and sell, at any time or from time to time and in one or more series, as limited obligations of the City and not upon its full faith and credit, its charter (industrial development) revenue bonds, to be designated "Baltimore City, Maryland Charter (Industrial Development Revenue) Bonds (Greek Orthodox Cathedral Parking Project)", in the aggregate principal amount not to exceed



\$295,000, pursuant to the provisions of Sub-section (50) of Article II of the Charter of Baltimore City (1964 Revision), as amended, for the sole and exclusive purposes of financing the costs, charges, fees and expenses in connection with the leasing, acquisition and renovation of the property situate at 1205-1223 Maryland Avenue, and certain improvements in connection therewith, to be operated as a parking facility by the Greek Orthodox Cathedral of the Annunciation, a Maryland religious body corporate, including payment of the necessary expenses of preparing, printing and selling such bonds and payment of interest on such bonds during the period of leasing and acquisition of such property (such period not to exceed three years following the date of such bonds); authorizing the Mayor of the City to accept, on behalf of the City, a letter of intent from the Greek Orthodox Cathedral of the Annunciation addressed to the City dated February 6, 1981; making certain legislative findings; authorizing and empowering the Board of Finance of the City, prior to the issuance, sale and delivery of such bonds, to adopt a resolution pursuant to which the Board of Finance of the City shall (a) prescribe, among other things but not limited to, the form, terms, provisions, manner or method of issuing, selling and delivering, and the time or times of issuance, and any and all other details of such bonds, and (b) do any and all things necessary, proper or expedient in connection with the issuance, sale and delivery of such bonds; authorizing the private (negotiated) sale of such bonds; providing that the Greek Orthodox Cathedral of the Annunciation shall agree to submit any plans and specifications to, and to coordinate with, the Department of Housing and Community Development in connection with the leasing, acquisition and installment of such project; providing for the expiration of the authorization of the transaction approved by this Ordinance, if such bonds are not issued and sold within six months from the date this Ordinance is approved by the Mayor, unless the authorization is extended by the Board of Finance as provided in this Ordinance; and generally providing for and determining various matters and details in connection with the authorization, issuance, security, sale, delivery and payment of such bonds.

## RECITALS

Sub-section (50) of Article II of the Charter of Baltimore City (1964 Revision), as amended (the "Enabling Law"), empowers Mayor and City Council of Baltimore (the "City") to issue, sell and deliver revenue bonds and to use the proceeds of the sale of such revenue bonds to finance undertakings for the accomplishment of any of the purposes, objects and powers of the City. Some of the general objectives of the City, contemplated by the Enabling Law, include the relief of conditions of unemployment in Baltimore City, encouraging the increase of industry and a balanced economy in Baltimore City, promoting economic development in Baltimore City, and promoting the health, welfare and safety of the residents of Baltimore City.

The City has received a letter of intent dated February 6, 1981 (the "Letter of Intent") from Greek Orthodox Cathedral of the Annunciation, a Maryland religious body corporate (the "Borrower"), pursuant to which the Borrower has requested the City to participate in the financing of the costs, charges, fees and expenses in connection with the leasing, acquisition, improvement, and renovation (from time to time hereinafter referred to collectively as the "acquisition") by the Borrower of a certain project to be located in Baltimore City, Maryland (the "Project"), by issuing and selling charter (industrial development revenue) bonds of the City in the aggregate principal amount not to exceed \$295,000 (the "Bonds") and by loaning the proceeds of the Bonds to the Borrower, upon the terms and conditions of a loan agreement to be entered into between the City and the Borrower (the "Loan Agreement"), as permitted by the Enabling Law (such loan being herein referred to as the "Loan").

The Project and the acquisition thereof, will consist generally of (a) the leasing and acquisition of the lots of land located at 1205-1223 Maryland Avenue and 1206 Morton Alley in Baltimore City, (b) the renovation and improvement of the industrial building located thereon, which has 33,400 square feet, more or less, of usable space, and (c) the acquisition and installation in such building of any or all other improvements therein as

may be necessary or useful in connection with the operation thereof. The Project will be leased from the City by the Borrower under the Agreement and Indenture of Lease (the "Lease") for use by the Borrower and the general public as a parking facility.

The Loan Agreement will require Borrower (a) to use the proceeds of the Bonds solely to finance the completion of the leasing, acquisition, improvement and renovation of the Project, payment of expenses of issuance of the Bonds, and payment of interest on the Bonds during a period not to exceed three years following the date of the Bonds, and (b) to make Loan payments which will be sufficient to enable the City to pay the principal of and interest and premium, if any, on the Bonds when and as the same shall become due and payable.

As security for the Bonds, the City will enter into either (a) a trust agreement (the "Trust Agreement") with a corporate trustee (the "Trustee") to be appointed by the Board of Finance of the City (the "Board") or (b) an Assignment and Security Agreement (the "Assignment") with (i) the original purchaser of the Bonds (the "Original Purchaser"), if on the date of delivery of the Bonds the acquisition of the Project has been completed, or (ii) the Original Purchaser and a trustee (which may be the Original Purchaser) (collectively, the "Project Fund Trustee"), if on the date of delivery of the Bonds the acquisition of the Project has not been completed. Pursuant to the Trust Agreement or the Assignment, the City will assign to the Trustee or, if the Assignment is entered into, the Original Purchaser, its successors and assigns, (among other things) (a) all of the City's right, title and interest in and to and remedies under the Loan Agreement, including (without limitation) any and all security referred to therein, excepting only (i) the right of the City to indemnification by the Borrower and to payments to the City for expenses incurred by the City itself, and (ii) the right of the City to all payments due it under the Lease, (b) the receipts and revenues of the City from the Loan, (c) certain moneys which are at any time or from time to time on deposit with the



Trustee or the Project Fund Trustee, (d) all right, title and interest in and to and remedies with respect to any and all other property of every description and nature from time to time by delivery or by writing of any kind conveyed, pledged, assigned or transferred, as and for additional security for the Bonds, by the City or by anyone on its behalf or with its written consent, to the Trustee, or, if the Assignment is entered into, the Original Purchaser, its successors or assigns, and (e) all of the City's right, title and interest in and to and remedies under such other documents, including (without limitation) mortgages, deeds of trust, guaranties and security instruments, as the Board shall deem necessary to effectuate the issuance, sale and delivery of the Bonds and which the Board shall approve by a resolution or resolutions (the "Resolution") to be adopted by the Board prior to the issuance, sale and delivery of any of the Bonds.

The Bonds will be sold at a private (negotiated) sale.

**NOW THEREFORE, IN ACCORDANCE WITH THE ENABLING LAW:**

**SECTION 1.** *Be it ordained by the Mayor and City Council of Baltimore,* That acting pursuant to the Enabling Law, it is hereby found and determined as follows:

(1) The issuance and sale of the Bonds by the City pursuant to the Enabling Law in order to lend the proceeds thereof to the Borrower for the sole and exclusive purposes of financing the costs of the Project, the expenses of issuance of the Bonds, and interest with respect to the Bonds during a period not to exceed three years following the date of the Bonds, will facilitate and expedite the completion of the acquisition of the Project by the Borrower.

(2) The completion of the acquisition of the Project by the Borrower and the financing thereof as provided in this Ordinance will serve to promote the general purposes contemplated by the Enabling Law by (a) sustaining jobs and employment in Baltimore City; (b) promoting economic development in Baltimore City; and (c) encouraging the increase of industry and a balanced economy in Baltimore City.

(3) The Bonds and the interest thereon shall not be general obligations of the City, and shall not be a pledge of or involve the faith and credit or the taxing power of the City, and shall not constitute a debt of the City, all within the meaning of Section 7 of Article XI of the Constitution of Maryland or within the meaning of any other constitutional, statutory or charter provision limiting or restricting the sale or issuance of bonds, notes or other obligations of the City. The Bonds and the interest thereon shall not constitute or give rise to any pecuniary liability of the City. The Bonds and the interest thereon shall be limited obligations of the City, repayable by the City solely from the revenue derived from Loan repayments (both principal and interest) made to the City by the Borrower on account of the Loan and from any other moneys made available to the City for such purpose. If a Trust Agreement is entered into, the proceeds of the Bonds will be paid directly to the Trustee to be held and disbursed by the Trustee as provided in the Trust Agreement to be approved by the Board in the Resolution. If an Assignment is entered into, and the Project has not been completed on or before the date of delivery of the Bonds, the Board will provide in the Resolution that the proceeds will be paid directly to the Project Fund Trustee and deposited by the Project Fund Trustee into the Project Fund created under the Assignment. If an Assignment is entered into, and the Board finds and determines that the Project has been or will be completed on or before the date of delivery of the Bonds, the Board may provide in the Resolution that no Project Fund will be created under the Assignment and that the proceeds of the Bonds will be paid directly to the Borrower, or for the account of the Borrower, to be used by the Borrower to pay the costs of, or to reimburse the Borrower for the payment of the costs of, the completion of the Project. Payments of the principal of and premium (if any) and interest on the Loan will be paid by the Borrower directly to the Trustee as provided in the Trust Agreement or to the Original Purchaser, its successors and assigns, as provided in the Assignment, to be approved by the Board in the Resolution. No such moneys will be commingled with the City's funds or will be subject to the absolute control of the City, but will be subject only to such limited supervision and checks as are deemed

necessary or desirable by the City to insure that the proceeds of the Bonds are used to accomplish the public purposes of the Enabling Law and this Ordinance. The loan form of transaction authorized hereunder shall in no event constitute a capital project within the meaning of any charter or statutory provision. The public purposes expressed in the Enabling Law are to be achieved by facilitating the completion of the Project by the Borrower.

(4) The City will acquire no interest in the Project other than (a) any general interest in the Borrower's property shared by all holders of the Borrower's obligations which rank and are secured equally with the Borrower's obligations pursuant to the Loan Agreement, (b) any lien and security interest created by the Loan Agreement, (c) any interest created by any other mortgage or deed of trust or other security instrument executed and delivered by the Borrower or any third party as security for the Loan or the Bonds as the Board may provide for and approve in the Resolution, and (d) any interest created by the Lease. The security for the Bonds shall be solely and exclusively (a) the absolute, irrevocable and unconditional obligations of the Borrower to make the payments required by the Loan Agreement, (b) moneys realized from the liquidation of any lien and security interest created by the Loan Agreement and of any lien or security interest created with respect to any property as security for the Loan or the Bonds as the Board may provide for and approve in the Resolution, and (c) moneys realized from any guaranty of the Bonds or of the Loan as the Board may provide for and approve in the Resolution.

(5) The best interests of the City will be served by selling the Bonds at private (negotiated) sale, as authorized by the Enabling Law, upon terms and conditions approved by the Board in the Resolution.

SEC. 2. *And be it further ordained*, That the City is hereby authorized and empowered to issue and sell, at any time or from time to time and in one or more series, and as limited obligations of the City and not upon its full faith and credit, its Bonds, the Baltimore City, Maryland Charter (Industrial Development Revenue) Bonds (Greek Orthodox Cathedral Parking Project), in the aggregate



principal amount not to exceed \$295,000, subject to the provisions of this Ordinance. The proceeds of the Bonds will be loaned to the Borrower pursuant to the terms and provisions of the Loan Agreement, to be used by the Borrower for the sole and exclusive purpose of financing the costs, charges, fees, and expenses in connection with the completion of the Project. The Bonds and the interest thereon shall be limited obligations of the City, repayable by the City solely from the revenue derived from Loan repayments (both principal and interest) made to the City by the Borrower pursuant to the Loan Agreement and from any other moneys made available to the City for such purpose. The security for the Bonds shall be solely and exclusively as provided in Section 1 of this Ordinance.

SEC. 3. *And be it further ordained*, That this Ordinance constitutes the present intent of the City to issue the Bonds, and the Mayor of the City is hereby authorized to accept the Letter of Intent on behalf of the City in order to further evidence the present intent of the City to issue the Bonds in accordance with the terms and provisions of this Ordinance.

SEC. 4. *And be it further ordained*, That each of the Bonds shall bear the descriptive title "Baltimore City, Maryland Charter (Industrial Development Revenue) Bond (Greek Orthodox Cathedral Parking Project)", provided, that the descriptive title may contain such other descriptive information as the Board may prescribe in the Resolution (e.g. "1981 Series"). The Bonds shall bear interest at the rate or rates of interest to be determined by negotiation with the original purchaser or purchasers of the Bonds and to be approved and prescribed by the Board in the Resolution.

SEC. 5. *And be it further ordained*, That the definitive Bonds, which may be engraved, printed or typewritten, including any Trustee's Certificate of Authentication to be endorsed thereon if the Trust Agreement is entered into, shall be in such form, not inconsistent with the Enabling Law and the provisions of this Ordinance, as the Board may approve in the Resolution.

SEC. 6. *And be it further ordained*, That the Bonds shall be executed in the name of the City and on its behalf by the Mayor of the City, by his manual or facsimile signature, and by the Director of Finance of the City, by his manual or facsimile signature, and the corporate seal of the City or a facsimile thereof shall be impressed or otherwise reproduced thereon and attested by the Custodian of the City Seal, by his manual signature. The Loan Agreement, the Trust Agreement or the Assignment and, where applicable, all other documents as the Board shall deem necessary to effectuate the issuance, sale and delivery of the Bonds, shall be executed in the name of the City and on its behalf by the Mayor of the City by his manual or facsimile signature, and the corporate seal of the City or a facsimile thereof shall be impressed or otherwise reproduced thereon and attested by the Custodian of the City Seal by his manual signature. In case any officer whose signature or a facsimile of whose signature shall appear on the Bonds or any of the aforesaid documents shall cease to be such officer before the delivery of the Bonds or any of the other aforesaid documents, such signature or such facsimile shall nevertheless be valid and sufficient for all purposes, the same as if such officer had remained in office until delivery. The Mayor of the City, the Director of Finance of the City, the Custodian of the City Seal and other officials of the City are hereby authorized and empowered to do all such acts and things and execute such documents and certificates as the Board may determine in the Resolution to be necessary to carry out and comply with the provisions hereof.

SEC. 7. *And be it further ordained*, That the Bonds shall be executed, issued and delivered at any time or from time to time and in one or more series and in such amount or amounts not exceeding, in the aggregate, the principal amount of \$295,000, as the Board shall prescribe in the Resolution.

SEC. 8. *And be it further ordained*, That the Bonds shall be dated, shall be in such denominations, shall be of such form and tenor, and shall be payable in such amounts, at such times and at such place or places as the Board shall prescribe in the Resolution.

SEC. 9. *And be it further ordained*, That the Bonds may be subject to redemption prior to their stated maturities upon such terms and conditions as the Board shall prescribe in the Resolution.

SEC. 10. *And be it further ordained*, That prior to the issuance, sale and delivery of the Bonds, the Board shall adopt the Resolution pursuant to which the Board shall:

(a) prescribe the form, tenor, terms and conditions of and security for the Bonds;

(b) prescribe the actual amounts, rate or rates of interest (or the method of determining the same), denominations, date, actual maturity or maturities, and the place or places of payment of the Bonds, and the terms and conditions and details under which the Bonds may be called for redemption prior to their stated maturities;

(c) if a Trust Agreement is entered into, appoint a bank having trust powers, or a trust company, as Trustee for the Bonds and, if necessary, appoint a paying agent or agents for the Bonds, which may be the Trustee;

(d) approve the form and contents, and authorize the execution and delivery (where applicable) of (i) the Loan Agreement, (ii) the Trust Agreement or the Assignment, and (iii) such other documents, including (without limitation) mortgages, deeds of trust, guaranties and security instruments as the Board shall deem necessary to approve in order to effectuate the issuance, sale and delivery of the Bonds;

(e) determine the time of execution, issuance, sale and delivery of the Bonds and prescribe any and all other details of the Bonds;

(f) provide for the direct payment by the Borrower of all costs, fees and expenses incurred by or on behalf of the City in connection with the issuance, sale and delivery of the Bonds, including (without limitation) costs of printing (if any) and issuing the Bonds, legal expenses and compensation to any person (other than full time employees of the City) performing services by or on behalf of the City in connection therewith;



(g) if the Trust Agreement is entered into, provide for the issuance and sale (subject to the passage of an appropriate ordinance authorizing the same as may be required by the time) of one or more series of additional bonds and one or more series of refunding bonds; and

(h) do any and all things, and authorize the officials of the City to do any and all things, necessary, proper or expedient in connection with the issuance, sale and delivery of the Bonds.

SEC. 11. *And be it further ordained*, That the Loan Agreement and the Trust Agreement or the Assignment shall contain such terms, provisions and conditions, not inconsistent with the Enabling Law and the provisions of this Ordinance, as the Board shall approve in the Resolution.

SEC. 12. *And be it further ordained*, That, as authorized by the Enabling Law, the Bonds shall be sold at private (negotiated) sale upon such terms and conditions as shall be approved by the Board in the Resolution.

SEC. 13. *And be it further ordained*, That the Bonds and the interest thereon shall not be general obligations of the City and shall not be a pledge of or involve the faith and credit or the taxing power of the City, and shall not constitute a debt of the City, all within the meaning of Section 7 of Article XI of the Constitution of Maryland or any other constitutional, statutory or charter provision limiting or restricting the sale or issuance of bonds, notes or other obligations of the City. The Bonds and the interest thereon shall not constitute or give rise to any pecuniary liability of the City. The Bonds, and the interest thereon, shall be limited obligations of the City, the principal of and interest on which Bonds shall be payable by the City solely from the revenue derived from Loan repayments (both principal and interest) made to the City by the Borrower on account of the Loan and, to the extent provided by the Board in the Resolution, from the proceeds of the Bonds, and from any other moneys made available to the City for such purpose. If the Trust Agreement is entered into, the proceeds of the Bonds will be paid directly to the Trustee to be held and disbursed by the Trustee as provided in the Trust Agreement to be approved

by the Board in the Resolution. If an Assignment is entered into and the Project has not been completed, the Board will provide in the Resolution that the proceeds will be paid directly to the Project Fund Trustee and deposited by the Project Fund Trustee into the Project Fund thereby created under this Assignment, or if the Assignment is entered into and the Board finds and determines that the Project has been or will be completed on or before the date of delivery of the revenue bonds, the Board may provide in the Resolution that the proceeds of the revenue bonds will be paid directly to the Borrower, or for the account of the Borrower, to be used by the Borrower to pay the costs of, or to reimburse the Borrower for payment of the costs of, the completion of the Project, as provided in the Assignment to be approved by the Board in the Resolution. No such moneys will be commingled with the City's funds or will be subject to the absolute control of the City, but will be subject only to such limited supervision and checks as are deemed necessary or desirable by the City to insure that the proceeds of the Bonds are used to accomplish the public purposes of the Enabling Law and this Ordinance.

SEC. 14. *And be it further ordained*, That in consideration of the purchase and acceptance of the Bonds by those who shall hold the Bonds from time to time, the City does hereby, and by the execution and delivery of the Trust Agreement or the Assignment to be approved by the Board shall, set aside or pledge the income and revenue under the Loan Agreement (other than payments to the City for indemnification or to reimburse the City for expenses incurred by the City itself) to the Trustee or, if the Assignment is entered into, the Original Purchaser, its successors and assigns, to be used and applied for the payment of the principal of and interest on the Bonds. Pursuant to the terms of the Loan Agreement to be approved by the Board in the Resolution, payments sufficient for the prompt payment when due of the principal of, premium, if any, and interest on the Bonds are to be paid by the Borrower to the Trustee for the benefit of the holders of the Bonds, or, if the Assignment is entered into, to the Original Purchaser, its successors and assigns, for the account of the City.

SEC. 15. *And be it further ordained*, That the Borrower shall agree that:

(a) It will submit any plans and specifications for the Project to the Department of Housing and Community Development for approval, and that the Department of Housing and Community Development may refuse approval of any plans and specifications for aesthetic or functional reasons; and

(b) It and its developers will work with the design advisory group appointed by the Department of Housing and Community Development in order to achieve high quality site, building, and landscape design.

SEC. 16. *And be it further ordained*, That the provisions of this Ordinance are severable, and if any provision, sentence, clause, section or part hereof is held illegal, invalid or unconstitutional or inapplicable to any person or circumstances, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this Ordinance or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this Ordinance would have been passed if such illegal, invalid or unconstitutional provision, sentence, clause, section or part had not been included herein, and if the person or circumstances to which this Ordinance or any part hereof are inapplicable had been specifically exempted herefrom.

SEC. 17. *And be it further ordained*, That, if the Bonds are not issued and sold within six months from the date on which this Ordinance is approved by the Mayor of the City, the authorization provided in this Ordinance for the City to issue and sell the Bonds shall expire; provided, however, that the Board may, after showing of good cause at a public hearing held before the Board, extend such authorization for one additional term not to exceed six months. The Board, in its sole discretion, shall determine the sufficiency, or lack thereof, of the reasons presented for any requested extension of this Ordinance. If an extension is granted, notice of such extension and the reasons therefor must be sent to the City Council.



SEC. 18. *And be it further ordained*, That this Ordinance shall take effect from the date of its passage.

Approved April 16, 1981.

WILLIAM DONALD SCHAEFER, *Mayor*.

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No. 275

(Council No. 577)

AN ORDINANCE concerning

ISSUANCE OF INDUSTRIAL DEVELOPMENT  
REVENUE BOND—RIVERSIDE  
REALTY COMPANY

FOR the purpose of authorizing and empowering Mayor and City Council of Baltimore (the "City") to issue, sell and deliver, at any time or from time to time, its industrial development revenue bond, designated "Baltimore City, Maryland, Industrial Development Revenue Bond (Riverside Realty Company Project) 1981 Series", in the principal amount not to exceed \$480,000 (the "Bond"), pursuant to the provisions of Subsection 50, Article II of the Charter of Baltimore City (1964 Revision), in order to loan the proceeds thereof (the "Loan") to Riverside Realty Company, a Maryland limited partnership (the "Borrower"), for the sole and exclusive purpose of financing the construction by the Borrower of two commercial buildings and the acquisition and installation of certain machinery and equipment therein, such buildings and machinery and equipment to be located in Baltimore City as provided in this Ordinance; authorizing the Mayor of the City to accept, on behalf of the City, the letter of intent to the City from the Borrower dated February 18, 1981; making certain legislative findings, among others, concerning the public benefit and purpose of the Bond; providing that the Bond and the interest thereon shall be limited obligations of the City, repayable by the City solely from the revenue derived from loan repayment (both principal

and interest) made to the City on account of the Loan and from any other monies made available to the City for such purpose, and that neither the Bond nor the interest thereon shall ever constitute an indebtedness or a charge against the general credit or taxing powers of the City within the meaning of any constitutional or charter provision or statutory limitation and that neither shall ever constitute or give rise to any pecuniary liability of the City; authorizing the private (negotiated) sale of the Bond; prescribing the method of determining the rate or rates of interest the Bond is to bear; authorizing and empowering the Board of Finance of the City (the "Board"), prior to the issuance, sale and delivery of the Bond, to adopt a resolution pursuant to which the Board may (1) prescribe the rate or rates of interest the Bond is to bear (within the limits herein prescribed), and the form, tenor, terms and conditions of and security for the Bond, (2) prescribe the actual amount, denomination, date, actual maturity (within the limits herein prescribed) and the place or places of payment of the Bond, and the terms and conditions and details under which the Bond may be called for redemption prior to its stated maturity, (3) approve the form and contents, and authorize the execution and delivery (where applicable), of (a) a Loan Agreement between the Borrower and the City, (b) a Trust Indenture by and among the City, the original purchaser of the Bond and a trustee (which may be the original purchaser of the Bond), and (c) such other documents including (without limitation) mortgages, deeds of trust, guaranties and security instruments as the Board shall deem necessary to effectuate the issuance, sale and delivery of the Bond, (4) determine the time of execution, issuance, sale and delivery of the Bond and prescribe any and all other details of the Bond, (5) provide for the payment by the Borrower of all costs, fees and expenses incurred by or on behalf of the City in connection with the issuance, sale and delivery of the Bond, and (6) do any and all things, and authorize the officials of the City to do any and all things, necessary, proper or expedient in connection with the issuance, sale and delivery of the Bond; providing that the Borrower shall agree to submit certain plans and specifications to, and

coordinate with, the Department of Housing and Community Development in connection with the construction of the buildings; and generally providing for and determining various matters and details in connection with the authorization, issuance, security, sale and payment of the Bond.

### RECITALS

Subsection 50 of Article II of the Charter of Baltimore City (1964 Revision, 1980 Cumulative Supplement) (the "Enabling Law") authorizes the Mayor and City Council of Baltimore (the "City") to issue revenue bonds and to loan the proceeds thereof to finance the construction, reconstruction or acquisition of property, facilities, developments or improvements for the accomplishment of any of the purposes, objects and powers of the Mayor and City Council. Some of the general objectives of the City contemplated by the Enabling Law include the relief of conditions of unemployment in Baltimore City, promoting an increase in business activity and a balanced economy in Baltimore City promoting economic development and encouraging the retention of business in the City and promoting the health, safety and welfare of the residents of Baltimore City. Mayor and City Council of Baltimore has received a letter of intent dated February 18, 1981 (the "Letter of Intent") from Riverside Realty Company, a Maryland limited partnership (the "Borrower"), pursuant to which the Borrower has requested the City to participate in financing the construction by the Borrower of certain commercial buildings on land owned by the Borrower, to be located in Baltimore City, Maryland (the "Project"), by the issuance and sale by the City of its Baltimore City, Maryland, Industrial Development Revenue Bond (Riverside Realty Company Project) 1981 Series, in the principal amount not to exceed \$480,000 (the "Bond"), and by loaning the proceeds of the Bond to the Borrower upon the terms and conditions of a loan agreement to be entered into between the City and the Borrower (the "Loan Agreement"), as permitted by the Enabling Law (such loan being herein referred to as the "Loan").

The Project will be constructed on a vacant parcel of land owned by the Company adjacent to the Westside



Shopping Center at Warwick and Frederick Avenues in Baltimore City and will consist of two commercial structures containing approximately 2,300 and 2,500 square feet of space, respectively, and which will be leased to two commercial tenants for the operation of two convenience food restaurant franchises.

The Loan Agreement will require the Borrower (a) to use the proceeds of the Bond solely to finance the acquisition and construction of the Project, and (b) to make loan payments which will be sufficient to enable the City to pay the principal of and interest and premium, if any, on the Bond when and as the same shall become due and payable.

As security for the Bond, the City will enter into a Trust Indenture with the original purchaser of the Bond (the "Purchaser"), and a trustee (which may be the Purchaser) (the "Trustee"), pursuant to which the City will assign to the Purchaser, (among other things) (a) all of the City's right, title and interest in and to and remedies under the Loan Agreement, including (without limitation) any and all collateral referred to therein, excepting only the right of the City to indemnification by the Borrower and to payments to the City for expenses incurred by the City itself, (b) the revenues of the City from the Loan, (c) certain monies which are at any time or from time to time on deposit with the Trustee, (d) all right, title and interest in and to and remedies with respect to any and all other property of every description and nature from time to time by delivery or by writing of any kind conveyed, pledged, assigned or transferred, as and for additional security for the Bond, by the City or by anyone on its behalf or with its written consent, to the Purchaser, and (e) all of the City's right, title and interest in and to and remedies under such other documents, including (without limitation) mortgages, deeds of trust, guaranties and security instruments as the Board of Finance of the City (the "Board") shall deem necessary to effectuate the issuance, sale and delivery of the Bond and which the Board shall approve by a resolution (the "Resolution") to be adopted by the Board prior to the issuance, sale and delivery of the Bond.

The Bond will be sold to the Purchaser by private (negotiated) sale.

NOW, THEREFORE, IN ACCORDANCE WITH THE ENABLING LAW:

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That acting pursuant to the Enabling Law, it is hereby found and determined as follows:

(1) The issuance and sale of the Bond by the City pursuant to the Enabling Law in order to lend the proceeds thereof to the Borrower for the sole and exclusive purpose of financing the construction by the Borrower of the commercial Project will facilitate and expedite the construction of the Project by the Borrower.

(2) The construction of the Project by the Borrower and the financing thereof as provided in this Ordinance will promote the following purposes and objects: (a) sustaining jobs and employment, thus relieving conditions of unemployment in the State of Maryland and in Baltimore City; (b) assisting in the retention of existing business in the State of Maryland and in Baltimore City; (c) promoting economic development; and (d) promoting the health, welfare and safety of the residents of the State of Maryland and Baltimore City.

(3) The Enabling Law permits revenue bond financing to be accomplished in the form of a loan by the City to the Borrower. The loan form of transaction avoids indirect costs and burdens on the City by not requiring any direct involvement by the City in the acquisition, ownership or administration of the Project, while permitting ample controls to be imposed on the use of the proceeds of the Bond to insure that the public purposes of the Mayor and City Council are fully accomplished. It is, therefore, in the best interests of the citizens of the City to finance the construction of the Project by a loan to the Borrower. This Ordinance contemplates and authorizes a transaction in the form of a loan of the proceeds of the Bond by the City to the Borrower, rather than a transaction in the form of a lease or sale of the Project. Accordingly, this Ordinance, together with the Resolution, the Trust Indenture and the Loan Agreement authorized hereby, and the other docu-

ments referred to herein, contains, or shall contain, such provisions as the City deems appropriate to effect the financing of the construction by the Borrower of the Project by the loan form of transaction.

(4) Neither the Bond nor the interest thereon shall ever constitute an indebtedness or general obligation of the City or a charge against, or pledge of the general credit or taxing powers of the City, within the meaning of any constitutional or charter provision or statutory limitation, and neither shall ever constitute or give rise to any pecuniary liability of the City. The Bond and the interest thereon shall be a limited obligation of the City, repayable by the City solely from the revenues derived from Loan repayments (both principal and interest) made to the City by the Borrower on account of the Loan and from any other monies made available to the City for such purpose. The proceeds of the Bond will be deposited with the Trustee to be held and disbursed by the Trustee as provided in the Trust Indenture to be approved by the Board in the Resolution. The payments to be made by the Borrower pursuant to the Loan Agreement will be paid to the Trustee to be held and disbursed as provided in the Trust Indenture. No such monies will be commingled with the City's funds or will be subject to the absolute control of the City, but will be subject only to such limited supervision and checks as are deemed necessary or desirable by the City to insure that the proceeds of the Bond are used to accomplish the public purposes of the Enabling Law and this Ordinance. This loan form of transaction shall in no event constitute a capital project within the meaning of any charter or statutory provision.

(5) The City will acquire no interest in the Project other than (a) any general interest in the Borrower's property shared by all holders of the Borrower's obligations which rank and are secured equally with the Borrower's obligations pursuant to the Loan Agreement, (b) any lien and security interest created by the Loan Agreement, and (c) any interest created by any mortgage or deed of trust or other security instrument executed and delivered by the Borrower, any guarantor, or any other third party as security for the Loan as the Board may provide for and approve in the Resolution. The security



for the Bond shall be solely and exclusively (a) the absolute, irrevocable and unconditional obligations of the Borrower to make the payments required by the Loan Agreement, (b) monies realized from the liquidation of any lien and security interest created by the Loan Agreement and of any other lien or security interest created with respect to any property as security for the Loan or the Bond as the Board may provide for and approve in the Resolution, and (c) monies realized from any guaranty of the Bond or of the Loan as the Board may provide for and approve in the Resolution.

(6) None of the revenues derived by the City from the Loan Agreement shall be set aside as a depreciation account. Such a depreciation account would (a) be inconsistent with the transaction authorized hereby, and (b) place an unreasonable burden on the Borrower so as to adversely affect the feasibility of the transaction. The Borrower shall covenant and agree in the Loan Agreement to properly operate and maintain the Project during the time the Bond is outstanding. Such covenant and agreement shall include a specific undertaking by the Borrower to make all equipment replacements and repairs necessary to insure that the security for the Bond shall not be impaired.

(7) The best interests of the City will be served by selling the Bond to the Purchaser by private (negotiated) sale, upon terms and conditions approved by the Board in the Resolution.

SEC. 2. *And be it further ordained*, That the City is hereby authorized and empowered to issue, sell and deliver, at any time or from time to time, its Baltimore City, Maryland, Industrial Development Revenue Bond (Riverside Realty Company Project) 1981 Series in the aggregate principal amount not to exceed \$480,000 subject to the provisions of this Ordinance. The proceeds of the Bond will be loaned to the Borrower pursuant to the terms and provisions of the Loan Agreement, to be used by the Borrower for the sole and exclusive purpose of financing the construction of the Project. The Bond and the interest thereon shall be a limited obligation of the City, repayable by the City solely from the revenue derived from Loan

repayments (both principal and interest) made to the City by the Borrower pursuant to the Loan Agreement and from any other monies made available to the City for such purpose. The security for the Bond shall be solely and exclusively provided in Section 1 of this Ordinance.

SEC. 3. *And be it further ordained*, That the Mayor of the City is hereby authorized and directed to accept the Letter of Intent on behalf of the City in order to further evidence the commitment of the City to issue, sell and deliver the Bond in accordance with the terms and provisions of this Ordinance.

SEC. 4. *And be it further ordained*, That the Bond shall bear the descriptive title "Baltimore City, Maryland, Industrial Development Revenue Bond (Riverside Realty Company Project) 1981 Series", provided, that the descriptive title may contain such other descriptive information as the Board may prescribe in the Resolution. The Bond shall bear interest at a rate not exceeding sixty-eight per cent (68%) of the prime rate of interest per annum on commercial loans being charged by the Purchaser, as the same shall be in effect from time to time, provided that the exact rate or rates of interest shall be determined by negotiation with the Purchaser of the Bond and shall be prescribed by the Board in the Resolution (within the limits herein prescribed). The foregoing rate is the applicable rate in effect so long as the interest on the Bond is excludable from the gross income of the holder under federal income tax law. Except for a holder who is a substantial user of the Industrial Building as provided in Section 103 of the Internal Revenue Code or a related person as defined in Section 103(b)(6)(C) thereof, in the event the interest on the Bond should become includable in the gross income of the holder, the rate of interest payable on the unpaid principal amount of the Bond shall not exceed twice the foregoing rate, as determined from time to time, provided that the exact rate or rates of such interest shall be determined by negotiation with the Purchaser of the Bond and shall be prescribed by the Board in the Resolution (within the limits herein prescribed). Interest on the Bond shall be payable semi-annually, quarterly, or monthly on dates to be prescribed by the Board

in the Resolution. The principal of the Bond shall be payable in semi-annual, quarterly, or monthly installments on dates and in amount to be prescribed by the Board in the Resolution.

SEC. 5. *And be it further ordained*, That the definitive Bond, which may be engraved, printed or typewritten, shall be in such form, not inconsistent with the Enabling Law and the provisions of this Ordinance, as the Board may approve in the Resolution.

SEC. 6. *And be it further ordained*, That the Bond shall be executed in the name of the City and on its behalf by the Mayor and the City, by his manual or facsimile signature, and by the Director of Finance of the City, by his manual or facsimile signature, and the corporate seal of the City or a facsimile thereof shall be impressed or otherwise reproduced thereon and attested by the Custodian of the City Seal by his manual signature. The Loan Agreement, the Trust Indenture and, where applicable, all other documents as the Board shall deem necessary to effectuate the issuance, sale and delivery of the Bond, shall be executed in the name of the City and on its behalf by the Mayor of the City by his manual or facsimile signature, and the corporate seal of the City or a facsimile thereof shall be impressed or otherwise reproduced thereon and attested by the Custodian of the City Seal by his manual signature. In case any officer whose signature or a facsimile of whose signature shall appear on the Bond or any of the aforesaid documents shall cease to be such officer before the delivery of the Bond or any of the other aforesaid documents, such signature or such facsimile shall nevertheless be valid and sufficient for all purposes, the same as if such officer had remained in office until delivery. The Mayor of the City, the Director of Finance of the City, the Custodian of the City Seal and other officials of the City are hereby authorized and empowered to do all such acts and things and execute such documents and certificates as the Board may determine in the Resolution to be necessary to carry out and comply with the provisions hereof.

SEC. 7. *And be it further ordained*, That the Bond shall be executed, issued and delivered at any time or from



time to time and in such amount or amounts not exceeding, in the aggregate, the principal amount of \$480,000.

SEC. 8. *And be it further ordained*, That the Bond may be dated, may be in such denominations, may be of such tenor (not inconsistent with the terms of this Ordinance), and may be payable in such amounts at such times and at such place or places as the Board shall prescribe in the Resolution.

SEC. 9. *And be it further ordained*, That the Bond will be subject to redemption prior to maturity upon such terms and conditions as the Board shall prescribe in the Resolution.

SEC. 10. *And be it further ordained*, That prior to the issuance, sale and delivery of the Bond, the Board shall adopt the Resolution pursuant to which the Board may:

(a) prescribe the form, tenor, terms and conditions of and security for the Bond;

(b) prescribe the actual amounts, rate or rates of interest (within the limits herein prescribed), denominations, date, actual maturity or maturities, and the place or places of payment of the Bond, and the final terms and conditions and details under which the Bond may be called for redemption prior to its stated maturity;

(c) approve the form and contents, and authorize the execution and delivery (where applicable) of (i) the Loan Agreement, (ii) the Trust Indenture and (iii) such other documents, including (without limitation) mortgages, deeds of trust, guaranties and security instruments as the Board shall deem necessary to effectuate the issuance, sale and delivery of the Bond;

(d) determine the time or times of execution, issuance, sale and delivery of the Bond and prescribe any and all other details of the Bond;

(e) provide for the payment by the Borrower of all costs, fees and expenses incurred by or on behalf of the City in connection with the issuance, sale and delivery of the Bond, including (without limitation) costs of printing (if any) and issuing the Bond, legal expenses (including

the fees of Bond Counsel) and compensation to any person (other than full time employees of the City) performing services by or on behalf of the City in connection therewith;

(f) appoint a Trustee or Trustees for purposes of the Trust Indenture; and

(g) do any and all things, and authorize the officials of the City to do any and all things, necessary, proper or expedient in connection with the issuance, sale and delivery of the Bond.

SEC. 11. *And be it further ordained*, That the Loan Agreement shall contain such terms, provisions and conditions as the Board shall prescribe in the Resolution, which may include (without limitation):

(a) provisions for the making of the Loan by the City to the Borrower and provisions for the repayment by the Borrower of the principal of and premium (if any) and interest on the Loan;

(b) a description of any security for the Loan;

(c) such representations, warranties, findings and affirmative and negative covenants as the Board may determine to be necessary, proper or expedient in connection with the issuance, sale and delivery of the Bond;

(d) provisions for the issuance of the Bond, the commencement and completion of the Project, and the application and disbursement of the proceeds of the Bond;

(e) provisions regarding the duration of the term of the Loan;

(f) covenants with respect to the use, maintenance, modification, operation and transfer of, and access to, the Project and with respect to the use of the proceeds of the Bond;

(g) provisions regarding the prepayment of the Loan by the Borrower;

(h) provisions regarding the remedies of the holder of the Bond in the event of default; and

(i) such other terms, provisions and conditions as the Board may determine to be necessary, proper or expedient in connection with the issuance, sale and delivery of the Bond.

SEC. 12. *And be it further ordained*, That the Trust Indenture shall contain such terms, provisions and conditions as the Board shall prescribe in the Resolution for the protection and enforcement of the rights and remedies of the holders of the Bond, which may include (without limitation):

(a) a description of the Bond and the form of the Bond;

(b) the manner of execution and transfer of the Bond;

(c) the terms and conditions under which the Bond may be redeemed prior to its stated maturity and the details of the procedure for the redemption of the Bond;

(d) provisions of the custody and application of and security for the proceeds of the Bond and the investment of such proceeds;

(e) the remedies of the holder of the Bond in the event of default;

(f) the duties, rights and immunities of the Trustee;

(g) provisions for the defeasance of the Indenture; and

(h) such other terms, provisions and conditions as the Board may determine to be necessary, appropriate or expedient in connection with the issuance, sale and delivery of the Bond.

SEC. 13. *And be it further ordained*, That the Bond shall be sold to the Purchaser by private (negotiated) sale upon such terms and conditions as shall be approved by the Board in the Resolution.

SEC. 14. *And be it further ordained*, That neither the Bond nor the interest thereon shall ever constitute an indebtedness or general obligation of the City or a charge against the general credit or taxing powers of the City



within the meaning of any constitutional or charter provision or statutory limitation, and neither shall ever constitute or give rise to any pecuniary liability on the part of the City. The Bond, and the interest thereon, shall be a limited obligation of the City, the principal of and interest on which Bond shall be payable by the City solely from the revenue derived from Loan repayments (both principal and interest) made to the City by the Borrower on account of the Loan and, to the extent provided by the Board in the Resolution, from the proceeds of the Bond, and from any other monies made available to the City for such purpose. The proceeds of the Bond will be deposited with the Trustee to be held and disbursed by the Trustee as provided in the Indenture to be approved by the Board in the Resolution. The payments to be made by the Borrower pursuant to the Loan Agreement will be paid to the Trustee to be held and disbursed as provided in the Indenture. No such monies will be commingled with the City's funds or will be subject to the absolute control of the City, but will be subject only to such limited supervision and checks as are deemed necessary or desirable by the City to insure that the proceeds of the Bond are used to accomplish the public purposes of the Mayor and City Council and this Ordinance.

SEC. 15. *And be it further ordained*, That in consideration of the purchase and acceptance of the Bond by those who shall hold the Bond from time to time, the City does hereby, and shall by the execution and delivery of the Trust Indenture to be approved by the Board of Finance, set aside and pledge the income and revenue under the Loan Agreement (other than payments to the City for indemnification or to reimburse the City for expenses incurred by the City itself) to the Trustee to be used and applied for the payment of the principal of and premium (if any) and interest on the Bond. Pursuant to the terms of the Loan Agreement, to be approved by the Board in the Resolution, payments sufficient for the prompt payment when due of the principal of, premium, if any, and interest on the Bond are to be paid by the Borrower to the Trustee for the benefit of the holder of the Bond.

SEC. 16. *And be it further ordained*, That the Borrower shall agree that:

(a) It will submit any plans and specifications for the acquisition and construction of the Project to the Department of Housing and Community Development for approval, with the understanding that, in addition to the economic feasibility of the construction of the Project, the Department of Housing and Community Development may consider, without limitation, the suitability of the site plan, architectural treatment, building plans, elevations, materials, color construction, details, landscaping, exterior lighting, streets, sidewalks, and harmony between the plans and the surroundings of the proposed Project and that the Department of Housing and Community Development in order to achieve high quality site, buildings, and landscape design.

(b) It and its developers will work with the design advisory group appointed by the Department of Housing and Community Development in order to achieve high quality site, building, and landscape design.

SEC. 17. *And be it further ordained*, That the provisions of this Ordinance are severable, and if any provision, sentence, clause, section or part hereof is held illegal, invalid or unconstitutional or inapplicable to any person or circumstances, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this Ordinance or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this Ordinance would have been passed if such illegal, invalid or unconstitutional provision, sentence, clause, section or part had not been included herein, and if the person or circumstances to which this Ordinance or any part hereof are inapplicable had been specifically exempted herefrom.

SEC. 18. *And be it further ordained*, That if the Bond is not issued and sold within six months from the date on which this Ordinance is approved by the Mayor of the City, the authorization provided in this Ordinance for the City to issue and sell the Bond shall expire; provided, however, that if the Board of Finance of the City receives assurances of good cause at a public hearing held before the Board of Finance, it may extend such authorization for

one additional term not to exceed six months. The Board of Finance, in its sole discretion, shall determine the sufficiency or lack thereof of the reasons presented for any requested extension of this Ordinance. If an extension is granted, notice of such extension and the reasons therefor must be sent to the City Council.

SEC. 19. *And be it further ordained*, That this Ordinance shall take effect from the date of its passage.

Approved April 16, 1981.

WILLIAM DONALD SCHAEFER, *Mayor*.

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No. 276

(Council No. 578)

AN ORDINANCE concerning

ISSUANCE OF INDUSTRIAL DEVELOPMENT  
REVENUE BOND—UNITED IRON AND  
METAL COMPANY, INC.

FOR the purpose of authorizing and empowering Mayor and City Council of Baltimore (the "City") to issue, sell and deliver, at any time or from time to time, its industrial development revenue bond, designated "Baltimore City, Maryland, Industrial Development Revenue Bond (United Iron and Metal Company, Inc. Project) 1981 Series", in the principal amount not to exceed \$500,000 (the "Bond"), pursuant to the provisions of Subsection 50, Article II of the Charter of Baltimore City (1964 Revision), in order to loan the proceeds thereof (the "Loan") to United Iron and Metal Company, Inc., a Maryland corporation (the "Borrower"), for the sole and exclusive purpose of financing the reconstruction and rehabilitation by the Borrower of a commercial building and the acquisition and installation of certain machinery and equipment therein, such building and machinery and equipment to be located in Baltimore City as provided in this Ordinance; authoriz-



ing the Mayor of the City to accept, on behalf of the City, the letter of intent to the City from the Borrower dated February 18, 1981; making certain legislative findings, among others, concerning the public benefit and purpose of the Bond; providing that the Bond and the interest thereon shall be limited obligations of the City, repayable by the City solely from the revenue derived from loan repayment (both principal and interest) made to the City on account of the Loan and from any other monies made available to the City for such purpose, and that neither the Bond nor the interest thereon shall ever constitute an indebtedness or a charge against the general credit or taxing powers of the City within the meaning of any constitutional or charter provision or statutory limitation and that neither shall ever constitute or give rise to any pecuniary liability of the City; authorizing the private (negotiated) sale of the Bond; prescribing the method of determining the rate or rates of interest the Bond is to bear; authorizing and empowering the Board of Finance of the City (the "Board"), prior to the issuance, sale and delivery of the Bond, to adopt a resolution pursuant to which the Board may (1) prescribe the rate or rates of interest the Bond is to bear (within the limits herein prescribed), and the form, tenor, terms and conditions of and security for the Bond, (2) prescribe the actual amount, denomination, date, actual maturity (within the limits herein prescribed) and the place or places of payment of the Bond, and the terms and conditions and details under which the Bond may be called for redemption prior to its stated maturity, (3) approve the form and contents, and authorize the execution and delivery (where applicable), of (a) a Loan Agreement between the Borrower and the City, (b) a Trust Indenture by and among the City, the original purchaser of the Bond and a trustee (which may be the original purchaser of the Bond), and (c) such other documents including (without limitation) mortgages, deeds of trust, guaranties and security instruments as the Board shall deem necessary to effectuate the issuance, sale and delivery of the Bond, (4) determine the time of execution, issuance, sale and delivery of the Bond and prescribe any and all other details of the Bond, (5) provide for the payment by

the Borrower of all costs, fees and expenses incurred by or on behalf of the City in connection with the issuance, sale and delivery of the Bond, and (6) do any and all things, and authorize the officials of the City to do any and all things, necessary, proper or expedient in connection with the issuance, sale and delivery of the Bond; providing that the Borrower shall agree to submit certain plans and specifications to, and coordinate with, the Department of Housing and Community Development in connection with the construction of the buildings; and generally providing for and determining various matters and details in connection with the authorization, issuance, security, sale and payment of the Bond.

### RECITALS

Subsection 50 of Article II of the Charter of Baltimore City (1964 Revision, 1980 Cumulative Supplement) (the "Enabling Law") authorizes the Mayor and City Council of Baltimore (the "City") to issue revenue bonds and to loan the proceeds thereof to finance the construction, reconstruction or acquisition of property, facilities, developments or improvements for the accomplishment of any of the purposes, objects and powers of the Mayor and City Council. Some of the general objectives of the City contemplated by the Enabling Law include the relief of conditions of unemployment in Baltimore City, promoting an increase in business activity and a balanced economy in Baltimore City, promoting economic development, encouraging the retention of business in the City and promoting the health, safety and welfare of the residents of Baltimore City. Mayor and City Council of Baltimore has received a letter of intent dated February 18, 1981 (the "Letter of Intent") from United Iron and Metal Company, Inc., a Maryland corporation (the "Borrower"), pursuant to which the Borrower has requested the City to participate in financing the reconstruction and rehabilitation by the Borrower of a commercial building on land owned by the Borrower, located in Baltimore City, Maryland to be used as the Borrower's corporate headquarters (the "Project"), by the issuance and sale by the City of its Baltimore City, Maryland, Industrial Development Reve-

nue Bond (United Iron and Metal Company, Inc. Project) 1981 Series, in the principal amount not to exceed \$500,000 (the "Bond"), and by loaning the proceeds of the Bond to the Borrower upon the terms and conditions of a loan agreement to be entered into between the City and the Borrower (the "Loan Agreement"), as permitted by the Enabling Law (such loan being herein referred to as the "Loan").

The Project will consist of the extensive reconstruction and rehabilitation of an existing brick structure owned by the Borrower, located at 2545 Wilkens Avenue. The structure is contiguous to the Borrower's scrap metal processing facility which the Borrower has operated continuously for over fifty years, and will serve as the corporate headquarters of the Borrower upon completion of the Project.

The Loan Agreement will require the Borrower (a) to use the proceeds of the Bond solely to finance the acquisition and construction of the Project, and (b) to make loan payments which will be sufficient to enable the City to pay the principal of and interest and premium, if any, on the Bond when and as the same shall become due and payable.

As security for the Bond, the City will enter into a Trust Indenture with the original purchaser of the Bond (the "Purchaser"), and a trustee (which may be the Purchaser) (the "Trustee"), pursuant to which the City will assign to the Trustee, (among other things) (a) all of the City's right, title and interest in and to and remedies under the Loan Agreement, including (without limitation) any and all collateral referred to therein, excepting only the right of the City to indemnification by the Borrower and to payments to the City for expenses incurred by the City itself, (b) the revenues of the City from the Loan, (c) certain monies which are at any time or from time to time on deposit with the Trustee, (d) all right, title and interest in and to and remedies with respect to any and all other property of every description and nature from time to time by delivery or by writing of any kind conveyed, pledged, assigned or transferred, as and for additional security



for the Bond, by the City or by anyone on its behalf or with its written consent, to the Purchaser, and (e) all of the City's right, title and interest in and to and remedies under such other documents, including (without limitation) mortgages, deeds of trust, guaranties and security instruments as the Board of Finance of the City (the "Board") shall deem necessary to effectuate the issuance, sale and delivery of the Bond and which the Board shall approve by a resolution (the "Resolution") to be adopted by the Board prior to the issuance, sale and delivery of the Bond.

The Bond will be sold to the Purchaser by private (negotiated) sale.

NOW, THEREFORE, IN ACCORDANCE WITH THE ENABLING LAW:

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That acting pursuant to the Enabling Law, it is hereby found and determined as follows:

(1) The issuance and sale of the Bond by the City pursuant to the Enabling Law in order to lend the proceeds thereof to the Borrower for the sole and exclusive purpose of financing the reconstruction and rehabilitation by the Borrower of the Project will facilitate and expedite the Project by the Borrower.

(2) The construction of the Project by the Borrower and the financing thereof as provided in this Ordinance will promote the following purposes and objects: (a) sustaining jobs and employment, thus relieving conditions of unemployment in the State of Maryland and in Baltimore City; (b) assisting in the retention of existing business in the State of Maryland and in Baltimore City; (c) promoting economic development; and (d) promoting the health, welfare and safety of the residents of the State of Maryland and Baltimore City.

(3) The Enabling Law permits revenue bond financing to be accomplished in the form of a loan by the City to the Borrower. The loan form of transaction avoids indirect costs and burdens on the City by not requiring any direct involvement by the City in the acquisition, ownership or administration of the Project, while permitting

ample controls to be imposed on the use of the proceeds of the Bond to insure that the public purposes of the Mayor and City Council are fully accomplished. It is, therefore, in the best interests of the citizens of the City to finance the construction of the Project by a loan to the Borrower. This Ordinance contemplates and authorizes a transaction in the form of a loan of the proceeds of the Bond by the City to the Borrower, rather than a transaction in the form of a lease or sale of the Project. Accordingly, this Ordinance, together with the Resolution, the Trust Indenture and the Loan Agreement authorized hereby, and the other documents referred to herein, contains, or shall contain, such provisions as the City deems appropriate to effect the financing of the construction by the Borrower of the Project by the loan form of transaction.

(4) Neither the Bond nor the interest thereon shall ever constitute an indebtedness or general obligation of the City or a charge against, or pledge of the general credit or taxing powers of the City, within the meaning of any constitutional or charter provision or statutory limitation, and neither shall ever constitute or give rise to any pecuniary liability of the City. The Bond and the interest thereon shall be a limited obligation of the City, repayable by the City solely from the revenues derived from Loan repayments (both principal and interest) made to the City by the Borrower on account of the Loan and from any other monies made available to the City for such purpose. The proceeds of the Bond will be deposited with the Trustee to be held and disbursed by the Trustee as provided in the Trust Indenture to be approved by the Board in the Resolution. The payments to be made by the Borrower pursuant to the Loan Agreement will be paid to the Trustee to be held and disbursed as provided in the Trust Indenture. No such monies will be commingled with the City's funds or will be subject to the absolute control of the City, but will be subject only to such limited supervision and checks as are deemed necessary or desirable by the City to insure that the proceeds of the Bond are used to accomplish the public purposes of the Enabling Law and this Ordinance. This loan form of transaction shall in no event constitute a capital project within the meaning of any charter or statutory provision.

(5) The City will acquire no interest in the Project other than (a) any general interest in the Borrower's property shared by all holders of the Borrower's obligations which rank and are secured equally with the Borrower's obligations pursuant to the Loan Agreement, (b) any lien and security interest created by the Loan Agreement, and (c) any interest created by any mortgage or deed of trust or other security instrument executed and delivered by the Borrower, any guarantor, or any other third party as security for the Loan as the Board may provide for and approve in the Resolution. The security for the Bond shall be solely and exclusively (a) the absolute, irrevocable and unconditional obligations of the Borrower to make the payments required by the Loan Agreement, (b) monies realized from the liquidation of any lien and security interest created by the Loan Agreement and of any other lien or security interest created with respect to any property as security for the Loan or the Bond as the Board may provide for and approve in the Resolution, and (c) monies realized from any guaranty of the Bond or of the Loan as the Board may provide for and approve in the Resolution.

(6) None of the revenues derived by the City from the Loan Agreement shall be set aside as a depreciation account. Such a depreciation account would (a) be inconsistent with the transaction authorized hereby, and (b) place an unreasonable burden on the Borrower so as to adversely affect the feasibility of the transaction. The Borrower shall covenant and agree in the Loan Agreement to properly operate and maintain the Project during the time the Bond is outstanding. Such covenant and agreement shall include a specific undertaking by the Borrower to make all equipment replacements and repairs necessary to insure that the security for the Bond shall not be impaired.

(7) The best interests of the City will be served by selling the Bond to the Purchaser by private (negotiated) sale, upon terms and conditions approved by the Board in the Resolution.

SEC. 2. *And be it further ordained*, That the City is hereby authorized and empowered to issue, sell and de-



liver, at any time or from time to time, its Baltimore City, Maryland, Industrial Development Revenue Bond (United Iron and Metal Company, Inc. Project) 1981 Series in the aggregate principal amount not to exceed \$500,000 subject to the provisions of this Ordinance. The proceeds of the Bond will be loaned to the Borrower pursuant to the terms and provisions of the Loan Agreement, to be used by the Borrower for the sole and exclusive purpose of financing the construction of the Project. The Bond and the interest thereon shall be a limited obligation of the City, repayable by the City solely from the revenue derived from Loan repayments (both principal and interest) made to the City by the Borrower pursuant to the Loan Agreement and from any other monies made available to the City for such purpose. The security for the Bond shall be solely and exclusively provided in Section 1 of this Ordinance.

SEC. 3. *And be it further ordained*, That the Mayor of the City is hereby authorized and directed to accept the Letter of Intent on behalf of the City in order to further evidence the commitment of the City to issue, sell and deliver the Bond in accordance with the terms and provisions of this Ordinance.

SEC. 4. *And be it further ordained*, That the Bond shall bear the descriptive title "Baltimore City, Maryland, Industrial Development Revenue Bond (United Iron and Metal Company, Inc. Project) 1981 Series", provided, that the descriptive title may contain such other descriptive information as the Board may prescribe in the Resolution. The Bond shall bear interest at a rate not exceeding seventy per cent (70%) of the prime rate of interest per annum on commercial loans being charged by the Purchaser, as the same shall be in effect from time to time, provided that the exact rate or rates of interest shall be determined by negotiation with the Purchaser of the Bond and shall be prescribed by the Board in the Resolution (within the limits herein prescribed). The foregoing rate is the applicable rate in effect so long as the interest on the Bond is excludable from the gross income of the holder under federal income tax law. Except for a holder who is a substantial user of the Industrial Building as provided in Section 103 of the Internal Revenue Code or a related

person as defined in Section 103(b)(6)(C) thereof, in the event the interest on the Bond should become includable in the gross income of the holder, the rate of interest payable on the unpaid principal amount of the Bond shall not exceed twice the foregoing rate, as determined from time to time, provided that the exact rate or rates of such interest shall be determined by negotiation with the Purchaser of the Bond and shall be prescribed by the Board in the Resolution (within the limits herein prescribed). Interest on the Bond shall be payable semi-annually, quarterly, or monthly on dates to be prescribed by the Board in the Resolution. The principal of the Bond shall be payable in semi-annual, quarterly, or monthly installments on dates and in amount to be prescribed by the Board in the Resolution.

SEC. 5. *And be it further ordained*, That the definitive Bond, which may be engraved, printed or typewritten, shall be in such form, not inconsistent with the Enabling Law and the provisions of this Ordinance, as the Board may approve in the Resolution.

SEC. 6. *And be it further ordained*, That the Bond shall be executed in the name of the City and on its behalf by the Mayor and the City, by his manual or facsimile signature, and by the Director of Finance of the City, by his manual or facsimile signature, and the corporate seal of the City or a facsimile thereof shall be impressed or otherwise reproduced thereon and attested by the Custodian of the City Seal by his manual signature. The Loan Agreement, the Trust Indenture and, where applicable, all other documents as the Board shall deem necessary to effectuate the issuance, sale and delivery of the Bond, shall be executed in the name of the City and on its behalf by the Mayor of the City by his manual or facsimile signature, and the corporate seal of the City or a facsimile thereof shall be impressed or otherwise reproduced thereon and attested by the Custodian of the City Seal by his manual signature. In case any officer whose signature or a facsimile of whose signature shall appear on the Bond or any of the aforesaid documents shall cease to be such officer before the delivery of the Bond or any of the other aforesaid documents, such signature or such facsimile shall

nevertheless be valid and sufficient for all purposes, the same as if such officer had remained in office until delivery. The Mayor of the City, the Director of Finance of the City, the Custodian of the City Seal and other officials of the City are hereby authorized and empowered to do all such acts and things and execute such documents and certificates as the Board may determine in the Resolution to be necessary to carry out and comply with the provisions hereof.

SEC. 7. *And be it further ordained*, That the Bond shall be executed, issued and delivered at any time or from time to time and in such amount or amounts not exceeding, in the aggregate, the principal amount of \$500,000.

SEC. 8. *And be it further ordained*, That the Bond may be dated, may be in such denominations, may be of such tenor (not inconsistent with the terms of this Ordinance), and may be payable in such amounts at such times and at such place or places as the Board shall prescribe in the Resolution.

SEC. 9. *And be it further ordained*, That the Bond will be subject to redemption prior to maturity upon such terms and conditions as the Board shall prescribe in the Resolution.

SEC. 10. *And be it further ordained*, That prior to the issuance, sale and delivery of the Bond, the Board shall adopt the Resolution pursuant to which the Board may:

(a) prescribe the form, tenor, terms and conditions of and security for the Bond;

(b) prescribe the actual amounts, rate or rates of interest (within the limits herein prescribed), denominations, date, actual maturity or maturities, and the place or places of payment of the Bond, and the final terms and conditions and details under which the Bond may be called for redemption prior to its stated maturity;

(c) approve the form and contents, and authorize the execution and delivery (where applicable) of (i) the Loan Agreement, (ii) the Trust Indenture and (iii) such other



documents, including (without limitation) mortgages, deeds of trust, guaranties and security instruments as the Board shall deem necessary to effectuate the issuance, sale and delivery of the Bond;

(d) determine the time or times of execution, issuance, sale and delivery of the Bond and prescribe any and all other details of the Bond;

(e) provide for the payment by the Borrower of all costs, fees and expenses incurred by or on behalf of the City in connection with the issuance, sale and delivery of the Bond, including (without limitation) costs of printing (if any) and issuing the Bond, legal expenses (including the fees of Bond Counsel) and compensation to any person (other than full time employees of the City) performing services by or on behalf of the City in connection therewith;

(f) appoint a Trustee or Trustees for purposes of the Trust Indenture; and

(g) do any and all things, and authorize the officials of the City to do any and all things, necessary, proper or expedient in connection with the issuance, sale and delivery of the Bond.

SEC. 11. *And be it further ordained*, That the Loan Agreement shall contain such terms, provisions and conditions as the Board shall prescribe in the Resolution, which may include (without limitation) :

(a) provisions for the making of the Loan by the City to the Borrower and provisions for the repayment by the Borrower of the principal of and premium (if any) and interest on the Loan;

(b) a description of any security for the Loan;

(c) such representations, warranties, findings and affirmative and negative covenants as the Board may determine to be necessary, proper or expedient in connection with the issuance, sale and delivery of the Bond;

(d) provisions for the issuance of the Bond, the commencement and completion of the Project, and the application and disbursement of the proceeds of the Bond;

(e) provisions regarding the duration of the terms of the Loan;

(f) covenants with respect to the use, maintenance, modification, operation and transfer of, and access to, the Project and with respect to the use of the proceeds of the Bond;

(g) provisions regarding the prepayment of the Loan by the Borrower;

(h) provisions regarding the remedies of the holder of the Bond in the event of default; and

(i) such other terms, provisions and conditions as the Board may determine to be necessary, proper or expedient in connection with the issuance, sale and delivery of the Bond.

SEC. 12. *And be it further ordained*, That the Trust Indenture shall contain such terms, provisions and conditions as the Board shall prescribe in the Resolution for the protection and enforcement of the rights and remedies of the holders of the Bond, which may include (without limitation) :

(a) a description of the Bond and the form of the Bond;

(b) the manner of execution and transfer of the Bond;

(c) the terms and conditions under which the Bond may be redeemed prior to its stated maturity and the details of the procedure for the redemption of the Bond;

(d) provisions of the custody and application of and security for the proceeds of the Bond and the investment of such proceeds;

(e) the remedies of the holder of the Bond in the event of default;

(f) the duties, rights and immunities of the Trustee;

(g) provisions for the defeasance of the Indenture; and

(h) such other terms, provisions and conditions as the Board may determine to be necessary, appropriate or ex-

pedient in connection with the issuance, sale and delivery of the Bond.

SEC. 13. *And be it further ordained*, That the Bond shall be sold to the Purchaser by private (negotiated) sale upon such terms and conditions as shall be approved by the Board in the Resolution.

SEC. 14. *And be it further ordained*, That neither the Bond nor the interest thereon shall ever constitute an indebtedness or general obligation of the City or a charge against the general credit or taxing powers of the City within the meaning of any constitutional or charter provision or statutory limitation, and neither shall ever constitute or give rise to any pecuniary liability on the part of the City. The Bond, and the interest thereon, shall be a limited obligation of the City, the principal of and interest on which Bond shall be payable by the City solely from the revenue derived from Loan repayments (both principal and interest) made to the City by the Borrower on account of the Loan and, to the extent provided by the Board in the Resolution, from the proceeds of the Bond, and from any other monies made available to the City for such purpose. The proceeds of the Bond will be deposited with the Trustee to be held and disbursed by the Trustee as provided in the Indenture to be approved by the Board in the Resolution. The payments to be made by the Borrower pursuant to the Loan Agreement will be paid to the Trustee to be held and disbursed as provided in the Indenture. No such monies will be commingled with the City's funds or will be subject to the absolute control of the City, but will be subject only to such limited supervision and checks as are deemed necessary or desirable by the City to insure that the proceeds of the Bond are used to accomplish the public purposes of the Mayor and City Council and this Ordinance.

SEC. 15. *And be it further ordained*, That in consideration of the purchase and acceptance of the Bond by those who shall hold the Bond from time to time, the City does hereby, and shall by the execution and delivery of the Trust Indenture to be approved by the Board of Finance, set aside and pledge the income and revenue under the



Loan Agreement (other than payments to the City for indemnification or to reimburse the City for expenses incurred by the City itself) to the Trustee to be used and applied for the payment of the principal of and premium (if any) and interest on the Bond. Pursuant to the terms of the Loan Agreement, to be approved by the Board in the Resolution, payments sufficient for the prompt payment when due of the principal of, premium, if any, and interest on the Bond are to be paid by the Borrower to the Trustee for the benefit of the holder of the Bond.

SEC. 16. *And be it further ordained*, That the Borrower shall agree that:

(a) It will submit any plans and specifications for the acquisition and construction of the Project to the Department of Housing and Community Development for approval, with the understanding that, in addition to the economic feasibility of the construction of the Project, the Department of Housing and Community Development may consider, without limitation, the suitability of the site plan, architectural treatment, building plans, elevations, materials, color construction, details, landscaping, exterior lighting, streets, sidewalks, and harmony between the plans and the surroundings of the proposed Project and that the Department of Housing and Community Development in order to achieve high quality site, buildings, and landscape design.

(b) It and its developers will work with the design advisory group appointed by the Department of Housing and Community Development in order to achieve high quality site, building, and landscape design.

SEC. 17. *And be it further ordained*, That the provisions of this Ordinance are severable, and if any provision, sentence, clause, section or part hereof is held illegal, invalid or unconstitutional or inapplicable to any person or circumstances, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this Ordinance or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this Ordinance would have been

passed if such illegal, invalid or unconstitutional provision, sentence, clause, section or part had not been included herein, and if the person or circumstances to which this Ordinance or any part hereof are inapplicable had been specifically exempted herefrom.

SEC. 18. *And be it further ordained*, That if the Bond is not issued and sold within six months from the date on which this Ordinance is approved by the Mayor of the City, the authorization provided in this Ordinance for the City to issue and sell the Bond shall expire; provided, however, that if the Board of Finance of the City receives assurances of good cause at a public hearing held before the Board of Finance, it may extend such authorization for one additional term not to exceed six months. The Board of Finance, in its sole discretion, shall determine the sufficiency or lack thereof of the reasons presented for any requested extension of this Ordinance. If an extension is granted, notice of such extension and the reasons therefor must be sent to the City Council.

SEC. 19. *And be it further ordained*, That this Ordinance shall take effect from the date of its passage.

Approved April 16, 1981.

WILLIAM DONALD SCHAEFER, *Mayor*.

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No. 277

(Council No. 501)

AN ORDINANCE concerning

CITY PROPERTY—SALE

FOR the purpose of authorizing the Mayor and City Council of Baltimore to sell either at public or private sale all the interest of the Mayor and City Council of Baltimore in and to a certain parcel of land and improvements no longer needed for public use located at 2670 Kennedy Avenue (Former School No. 543)

BY authority of  
Article V—Comptroller  
Section 5(b)  
Baltimore City Charter (1964 Revision, as amended)

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That the Comptroller of Baltimore City be and he is hereby authorized to sell at either public or private sale in accordance with Article V Section 5(b) of the City Charter, all of the interest of the Mayor and City Council of Baltimore in and to that parcel of land situate in Baltimore, Maryland and described as follows:

BEGINNING for the same at the point formed by the intersection of the northwest side of Kennedy Avenue, as now laid out 50 feet wide, and the southwest side of Gorsuch Avenue, as now laid out 60 feet wide, and running thence binding on the southwest side of said Gorsuch Avenue, Northwesterly 128 feet, more or less, to intersect the southeast side of Tyler Street, as now laid out 50 feet wide; thence binding on the southeast side of said Tyler Street, Southwesterly 90 feet to intersect the northeast side of an alley, 20 feet wide; thence binding on the northeast side of said 20 foot alley, Southeasterly 128 feet, more or less, to intersect the northwest side of said Kennedy Avenue, and thence binding on the northwest side of said Kennedy Avenue, Northeasterly 90 feet to the place of beginning, and being known as 2670 Kennedy Avenue (Former School No. 543).

Said property being no longer needed for public use.

SEC. 2. *Be it further ordained*, That no deed or deeds shall pass in accordance herewith until the same shall have been first approved by the City Solicitor.

SEC. 3. *And be it further ordained*, That this ordinance shall take effect from the date of its passage.

Approved April 28, 1981.

WILLIAM DONALD SCHAEFER, *Mayor*.



## No. 278

(Council No. 253)

AN ORDINANCE concerning

HOUSING CODE—REGISTRATION  
OF OWNERS AND ~~MANAGING OPERATORS~~ AGENTS

FOR the purpose of requiring an annual CONFIDENTIAL registration of each rental unit in the Ceity for a fee of \$10 ~~and~~ , requiring the designation of a AN ~~managing operator who is responsible for the property~~ AGENT AUTHORIZED TO RECEIVE VIOLATION NOTICES AND COURT PROCESS, PROVIDING CERTAIN EX-CEPTIONS, AND PROVIDING PENALTIES.

BY adding

Article 13—Housing and Urban Renewal

Subtitle—Housing Code

Section 309

Baltimore City Code (1976 Edition, as amended)

WHEREAS, It is the intent of the City Council that the additional revenue resulting from the imposition of a registration fee on all rental units in the City will be used to improve the City's housing inspection services; ~~now, there-fore~~ AND

WHEREAS, IT IS ALSO THE INTENT OF THE CITY COUNCIL THAT THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT SHALL NOT COLLECT ANY SUCH REGISTRATION FEES UNTIL AND UNLESS AN APPROPRIATION HAS BEEN MADE FOR THESE IMPROVED INSPECTION SERVICES; ~~NOW, THEREFORE~~ AND

WHEREAS, IT IS IN THE PUBLIC INTEREST TO ENCOURAGE REGISTRATION OF DWELLING UNITS AND TO PREVENT INVASION OF PRIVACY OF LANDLORDS BY PROVIDING FOR THE CONFIDENTIALITY OF REGISTRATION STATEMENTS; NOW, THEREFORE

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore,* That new Section 309 be and it is hereby

added to Article 13 of the Baltimore City Code (1976 Edition, as amended), title "Housing and Urban Renewal", subtitle "Housing Code", to read as follows:

*309. Registration of owners and managing operators*

*(a) By January 1, 1981 and annually thereafter, every owner of a dwelling unit shall file a registration statement with the Commissioner for each unit for which he is receiving or is entitled to receive rent on a form to be provided by the Commissioner.*

*(b) For each rental unit there shall be an annual registration fee of \$10 to be paid at the time the owner files the annual registration statement.*

*(c) Any person becoming an owner of a rental unit during the course of the year shall file a registration statement within 30 days of the date of the property transfer.*

*(d) The registration statement shall contain the following information:*

*(1) A description of the premises by street number or otherwise, in such manner as to enable the Commissioner to find the same.*

*(2) The name and residence and business address of the owner. If the owner is a corporation, the name and address of the corporation and the name and address of the president, secretary and registered agent thereof.*

*(3) The name and residence and business address of a natural person 21 years of age or older, who is customarily present in an office in the city, for the purposes of transacting business, or who actually resides within the city, and who shall be designated by the owner as the managing operator in control of the dwelling unit and responsible for the maintenance and operation of the unit in accordance with the provisions of this Code, and authorized to receive court process on behalf of such owner in connection with the enforcement of ordinances relating to such unit. An owner who is a natural person and who meets the requirement of this subsection as to location of the residence or place of transacting business of a managing operator, may designate himself as managing operator. The Commissioner must be notified within 10 days of any change in the designated managing operator.*

*(e) The provisions of this section shall not apply to owners whose dwelling units are licensed under the provisions of Chapter 11 of this Code.*

*(f) Any violation of the provisions of this Section 309 shall be deemed a misdemeanor, and upon conviction therefor, any such owner shall be punishable as provided in Section 307 of this Code.*

Sec. 2. And be it further ordained, That this ordinance shall take effect thirty days from the date of its passage.

### 309. REGISTRATION OF OWNERS AND AGENTS

(A) BY SEPTEMBER 1, 1981 AND ANNUALLY THEREAFTER, EVERY OWNER OF A DWELLING UNIT, WHETHER OCCUPIED OR VACANT, SHALL FILE A REGISTRATION STATEMENT WITH THE COMMISSIONER FOR EACH UNIT FOR WHICH HE IS RECEIVING OR IS ENTITLED TO RECEIVE RENT ON A FORM TO BE PROVIDED BY THE COMMISSIONER.

(B) FOR EACH DWELLING UNIT THERE SHALL BE AN ANNUAL REGISTRATION FEE OF \$10 WITH A MAXIMUM FEE OF \$1000 PER OWNER OF RECORD TO BE PAID AT THE TIME THE OWNER FILES THE ANNUAL REGISTRATION STATEMENT. ALL OWNERS WHOSE DWELLING UNITS ARE LICENSED UNDER THE PROVISIONS OF CHAPTER 11 OF THIS CODE, AND ALL ELEEMOSYNARY, RELIGIOUS, EDUCATIONAL, BENEVOLENT OR CHARITABLE ASSOCIATIONS AND ALL GOVERNMENTAL AGENCIES SHALL FILE A REGISTRATION STATEMENT HEREIN REQUIRED BUT SHALL BE EXEMPT FROM THE PAYMENT OF THE FEE FOR THE SAME.

(C) ANY PERSON BECOMING AN OWNER OF A RENTAL UNIT DURING THE COURSE OF THE YEAR SHALL FILE A REGISTRATION STATEMENT ON THE DATE OF THE PROPERTY TRANSFER.

(D) THE REGISTRATION STATEMENT SHALL CONTAIN THE FOLLOWING INFORMATION:



(1) A DESCRIPTION OF THE PREMISES BY STREET NUMBER OR OTHERWISE, IN SUCH MANNER AS TO ENABLE THE COMMISSIONER TO FIND THE SAME.

(2) THE NAME AND ADDRESS OF THE OWNER OF RECORD AND OF THE MANAGING OPERATOR, AND, IN ADDITION, IF THE OWNER OR MANAGING OPERATOR IS A CORPORATION, THE NAME AND ADDRESS OF THE RESIDENT AGENT THEREOF.

(3) THE NAME AND BUSINESS ADDRESS OF A NATURAL PERSON 18 YEARS OF AGE OR OLDER, WHO IS CUSTOMARILY PRESENT IN AN OFFICE IN THE CITY FOR THE PURPOSES OF TRANSACTING BUSINESS, OR WHO ACTUALLY RESIDES WITHIN THE CITY, AND WHO SHALL BE DESIGNATED BY THE OWNER AS HIS AUTHORIZED AGENT FOR RECEIVING NOTICES OF VIOLATIONS PURSUANT TO SECTION 301 OF THIS CODE AND FOR RECEIVING COURT PROCESS ON BEHALF OF SUCH OWNER IN CONNECTION WITH THE ENFORCEMENT OF ORDINANCES RELATING TO SUCH UNIT. AN OWNER WHO IS A NATURAL PERSON AND WHO MEETS THE REQUIREMENT OF THIS SUBSECTION AS TO LOCATION OF THE RESIDENCE OR PLACE OF TRANSACTING BUSINESS, MAY DESIGNATE HIMSELF AS AGENT.

THE COMMISSIONER MUST BE NOTIFIED WITHIN 10 DAYS OF ANY CHANGE IN THE DESIGNATED MANAGING OPERATOR OR AGENT.

~~(E) THE PROVISIONS FOR AN ANNUAL REGISTRATION FEE IN 309(B) SHALL NOT APPLY TO OWNERS WHOSE DWELLING UNITS ARE LICENSED UNDER THE PROVISIONS OF CHAPTER 11 OF THIS CODE.~~

~~(F)~~ (E) THE WRITTEN REGISTRATION STATEMENTS REQUIRED BY THIS SECTION SHALL BE HELD AS CONFIDENTIAL RECORDS AND SHALL NOT BE OPEN TO THE PUBLIC.

~~(G)~~ (F) ANY VIOLATION OF THE PROVISIONS OF THIS SECTION 309 SHALL BE DEEMED A MISDE-

MEANOR, AND UPON CONVICTION THEREFOR, ANY SUCH PERSON SHALL BE PUNISHABLE AS ~~PROVIDED IN SECTION 307 OF THIS CODE BY A FINE OF UP TO \$300 FOR EACH DAY OF VIOLATION. ANY OWNER OF A RENTAL UNIT, SUBJECT TO THIS SECTION, WHO SHALL FAIL TO FILE A REGISTRATION STATEMENT AS REQUIRED BY THIS SECTION SHALL BE LIABLE TO THE PENALTIES PROVIDED IN THIS ARTICLE 13~~ FOR SAID PENALTY WITHOUT NOTICE, AND THE PROVISIONS OF SECTION 301 OF CHAPTER 3 OF ARTICLE 13 SHALL NOT APPLY.

SEC. 2. AND BE IT FURTHER ORDAINED, THAT THE PROVISIONS OF THIS ORDINANCE ARE SEVERABLE, AND IF ANY PROVISION, SENTENCE, CLAUSE, SECTION OR PART HEREOF IS HELD ILLEGAL, INVALID OR UNCONSTITUTIONAL OR INAPPLICABLE TO ANY PERSON OR CIRCUMSTANCES, SUCH ILLEGALITY, INVALIDITY OR UNCONSTITUTIONALITY, OR INAPPLICABILITY SHALL NOT AFFECT OR IMPAIR ANY OF THE REMAINING PROVISIONS, SENTENCES, CLAUSES, SECTIONS, OR PARTS OF THIS ORDINANCE OR THEIR APPLICATION TO OTHER PERSONS OR CIRCUMSTANCES. IT IS HEREBY DECLARED TO BE THE LEGISLATIVE INTENT THAT THIS ORDINANCE WOULD HAVE BEEN PASSED IF SUCH ILLEGAL, INVALID OR UNCONSTITUTIONAL PROVISION, SENTENCE, CLAUSE, SECTION OR PART HAD NOT BEEN INCLUDED HEREIN, AND IF THE PERSON OR CIRCUMSTANCES TO WHICH THIS ORDINANCE OR ANY PART HEREOF ARE INAPPLICABLE HAD BEEN SPECIFICALLY EXEMPTED HEREFROM.

SEC. 3. AND BE IT FURTHER ORDAINED, THAT THIS ORDINANCE SHALL TAKE EFFECT JULY 1, 1981.

Approved April 30, 1981.

WILLIAM DONALD SCHAEFER, *Mayor.*

## No. 279

(Council No. 254)

AN ORDINANCE concerning

## HOUSING CODE—NON-RESIDENT OWNERS

FOR the purpose of making operators AND CERTAIN CORPORATE OFFICERS AS WELL AS OWNERS of a property responsible for compliance with the Housing Code, providing that certain property owned by a non-resident owner can be repaired by Housing and Community Development after notice and providing for notice of this procedure to non-resident ~~operations~~ OWNERS.

BY adding

Article 13—Housing and Urban Renewal

Subtitle—Housing Code

Sections 309, 310 and 311

Baltimore City Code (1976 Edition, as amended)

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That new Sections 309, 310 and 311 be and they are hereby added to Article 13 of the Baltimore City Code (1976 Edition, as amended) title "Housing and Urban Renewal", subtitle "Housing Code", to read as follows:

309. *Responsibility for Compliance with Code Provisions*

(a). *Responsibility of Owners and Operators*

*Any person who is either an owner or operator of a property subject to this Code shall be responsible for compliance with all of the provisions of this Code. No owner or operator shall be responsible for compliance with Chapter IX "Responsibilities of Occupants" unless that person also is an occupant of the property. Where, such as in Chapter X, this Code states a responsibility to be that of the owner, it shall also be that of any person who is an operator of the property in his behalf. An owner shall be held liable for all violations of this Code, in connection with any land, buildings, structure, or matter or thing owned or operated by him, and for any expenses incurred by the Mayor and City Council pursuant to Sections 302, 303, or 310 of this Code.*



(b). *Responsibility of Corporate Officers and Directors.* Whenever a corporation shall violate any of the provisions of this Code, such violation shall be deemed to be also that of the individual directors, officers or agents ~~of~~ OF such corporation who shall have authorized, ordered or done any of the acts constituting in whole or in part such violation or who shall knowingly have acquiesced in any failure to act constituting in whole or in part such violation, and such violation shall be deemed a misdemeanor, and upon conviction therefor, any such director, officer or agent shall be punishable to the same extent as is provided in Section 307 of this Code.

### 310. Non-Resident Owners

(a). When any person, who (1) IS NOT A MARYLAND CORPORATION, OR A MARYLAND PARTNERSHIP, GENERAL OR LIMITED, ~~either is not~~ NOR a legal resident of the State of Maryland or has not physically resided in the State of Maryland for at least six (6) months of the preceding year, who (2) also is an owner of property or properties containing any occupied residential unit used for other than his personal residence, is determined by the Commissioner of Housing and Community Development to have failed to comply with any order for the correction of violations or for the performance of any other act that may be required, issued by the Commissioner pursuant to this Code, with regard to any property subject to this Code, within the time and manner prescribed by said order, then the Commissioner of Housing and Community Development, subject to the provisions of Section 304, may proceed to execute the order through his officers, agents, employees, or contractors by making such repairs, or taking such other actions as the Commissioner finds to be necessary to correct said violation or violations in occupied residential units and/or public areas within or about any property containing any occupied residential unit(s). Entry for the making of such repairs, or the taking of such other action, shall be made only with the consent of a party with apparent control of the subject premises, or by order of the court.

(b). The provisions of Paragraph (a) above shall not apply to any person who, within sixty (60) days of the

effective date of this ordinance, or within 10 days of the service of any notice of violations or other order issued pursuant to this Code, shall (1) appoint and retain as an operator of any property or properties subject to this Code a full-time resident of the State of Maryland OR MARYLAND CORPORATION OR MARYLAND PARTNERSHIP, GENERAL OR LIMITED, with authority to collect rents, to make repairs, and to make expenditures from any rental receipts of the owner within his control to correct any violations in, on, or about the property, of any housing, building, zoning, fire, or public health code of the City of Baltimore, and (2) notify in writing the Commissioner of Housing and Community Development of such appointment, stating the name and address of the appointee, provided also that he shall similarly notify the Commissioner within ten (10) days of any change or termination of said appointment or retention. THEREAFTER, IF THE OPERATOR OF ANY PROPERTY OR PROPERTIES SHALL FAIL TO COMPLY WITH ANY ORDER FOR THE CORRECTION OF VIOLATIONS OR FOR THE PERFORMANCE OF ANY OTHER ACT THAT MAY BE REQUIRED, ISSUED BY THE COMMISSIONER PURSUANT TO THIS CODE, WITH REGARD TO ANY PROPERTY SUBJECT TO THIS CODE, WITHIN THE TIME AND MANNER PRESCRIBED BY SAID ORDER, THEN THE COMMISSIONER OF HOUSING AND COMMUNITY DEVELOPMENT, SUBJECT TO THE PROVISIONS OF SECTION 304, MAY PROCEED TO EXECUTE THE ORDER THROUGH HIS OFFICERS, AGENTS, EMPLOYEES, OR CONTRACTORS BY MAKING SUCH REPAIRS OR TAKING SUCH OTHER ACTIONS AS THE COMMISSIONER FINDS TO BE NECESSARY TO CORRECT SAID VIOLATION OR VIOLATIONS IN OCCUPIED RESIDENTIAL UNITS AND/OR PUBLIC AREAS WITHIN OR ABOUT ANY PROPERTY CONTAINING ANY OCCUPIED RESIDENTIAL UNIT(S). ENTRY FOR THE MAKING OF SUCH REPAIRS, OR THE TAKING OF SUCH OTHER ACTION, SHALL BE MADE ONLY WITH THE CONSENT OF A PARTY WITH APPARENT CONTROL OF THE SUBJECT PREMISES, OR BY ORDER OF COURT.

311. Notice to owners of responsibility under Section 310.

(a). Whenever the Commissioner determines that there is reason to believe that an owner of any property is subject to the requirements of Section 310(a), he may cause to be sent to such person by certified mail a notice, in such form and manner as he shall determine, that said person is believed to be an owner subject to Section 310(a) of this Code. If said person fails to respond in writing to the Commissioner within 15 days of the issuance of this notice, stating grounds why he is not subject to the requirement of Section 310(a), he shall then be liable to the same extent as any owner subject to that requirement for any costs incurred by the Mayor and City Council for work done pursuant to Section 310(a), and the Commissioner of Housing and Community Development, his officers, agents, employees and contractors shall be free from any liability which may arise if said person is not in fact otherwise subject to the requirement of Section 310(a).

SEC. 2. And be it further ordained, That this ordinance shall take effect ~~thirty days from the date of its passage~~ JULY 1, 1981.

Approved April 30, 1981.

WILLIAM DONALD SCHAEFER, Mayor.

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No. 280

(Council No. 282)

AN ORDINANCE concerning

LANDLORD-TENANT—RENT INCREASES

~~FOR the purpose of prohibiting a rent increase for any rental unit which is not in substantial compliance with the Baltimore City Housing Code.~~

FOR THE PURPOSE OF PROHIBITING OR DELAYING A RENT INCREASE FOR A DWELLING OR ROOMING UNIT WHEN THE LANDLORD FAILS TO CORRECT HOUSING CODE VIOLATIONS WITHIN A CERTAIN TIME PERIOD.



BY adding to

Article 13—Housing and Urban Renewal

Section 56

Baltimore City Code (1976 Edition, as amended)

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That Section 56 be and it is hereby added to Article 13 of the Baltimore City Code (1976 Edition, as amended), title "Housing and Urban Renewal", to come under the new subtitle "Rent Increases", and to read as follows:

### Rent Increases

56. *Certain increases prohibited.*

A. *For the purposes of this section, the following words have the meanings indicated.*

(1) THE TERM "DWELLING UNIT" MEANS A ROOM OR GROUP OF ROOMS FORMING A SINGLE HABITABLE UNIT OCCUPIED BY ONE OR MORE PERSONS WITH FACILITIES WHICH ARE USED OR INTENDED TO BE USED ~~EXCLUSIVELY~~ BY THE OCCUPANTS OF SUCH UNITS FOR LIVING, SLEEPING, EATING AND COOKING, AND INCLUDES ANY COMMON AREA NEEDED FOR THE USE AND ENJOYMENT OF THE UNIT.

~~(1)~~ (2) The term "landlord" means an owner, lessor, sublessor, assignee, or agent of any thereof or other person receiving or entitled to receive rents, or benefits for the use or occupancy of any ~~rental~~ DWELLING OR ROOMING unit, including any person who has an option to buy or who has entered into a contract to buy any ~~rental~~ DWELLING OR ROOMING unit with the intent to offer such ~~rental~~ DWELLING OR ROOMING unit for rent.

~~(2)~~ (3) The term "rental fee" means the entire amount of money, money's worth, benefit, bonus, or gratuity demanded, received, or charged by a landlord as a condition of occupancy or use of a ~~rental~~ DWELLING OR ROOMING unit, its related services, and its related facilities.

(4) THE TERM "SERIOUS DEFECT" MEANS A CONDITION WHICH CONSTITUTES, OR IF NOT

PROMPTLY CORRECTED WILL CONSTITUTE, A FIRE HAZARD OR A SERIOUS AND SUBSTANTIAL THREAT TO THE LIFE, HEALTH OR SAFETY OF OCCUPANTS, INCLUDING, BUT NOT LIMITED TO:

(A) LACK OF HEAT, OF LIGHT, ELECTRICITY, OR OF HOT OR COLD RUNNING WATER, EXCEPT WHERE THE TENANT IS RESPONSIBLE FOR THE PAYMENT OF THE UTILITIES AND THE LACK THEREOF IS THE DIRECT RESULT OF THE TENANT'S FAILURE TO PAY THE CHARGES; OR

(B) LACK OF ADEQUATE SEWAGE DISPOSAL FACILITIES; OR

(C) INFESTATION OF RODENTS IN A DWELLING UNIT (EXCEPT IF THE PROPERTY IS A ONE-FAMILY DWELLING); OR

(D) THE EXISTENCE OF PAINT CONTAINING LEAD PIGMENT ON SURFACES WITHIN THE DWELLING UNIT; OR

(E) THE EXISTENCE OF ANY STRUCTURAL DEFECT WHICH PRESENTS A SERIOUS AND SUBSTANTIAL THREAT TO THE PHYSICAL SAFETY OF THE OCCUPANTS; OR

(F) THE EXISTENCE OF ANY CONDITION WHICH PRESENTS A HEALTH OR FIRE HAZARD TO THE DWELLING UNIT.

~~(3)~~ (5) The term "tenant" includes a tenant, subtenant, lessee, sublessee, or other person entitled to the possession, occupancy or the benefits thereof, of any rental DWELLING unit.

*B. No landlord, unless the Court otherwise orders, may increase any rental fee for any residential premises which is used as a residence by a tenant when the residence has an outstanding violation notice issued by the Department of Housing and Community Development, provided that such noncompliance is not the result of tenant neglect or misconduct.*

*C. If a landlord attempts to increase a rental fee when there is an outstanding violation notice on the residential*

*premises, the City Solicitor on behalf of the Mayor and City Council of Baltimore may seek and obtain in an action in the appropriate court an injunction prohibiting the landlord from increasing the rental fee until the violation notice has been abated. Prior to seeking the injunction, the City Solicitor shall notify the landlord and affected tenant(s) and generally indicate the relief sought. Notification shall be served at least seven days prior to the institution of the action. The Court may make the orders or judgments necessary to prevent the unlawful increase of a rental fee or to restore to a tenant any money acquired in violation of this section for damages.*

**B. WHEN IN THE COURSE OF A REGULAR, SCHEDULED INSPECTION AS A RESULT OF ANY INSPECTION NOT GENERATED BY A TENANT COMPLAINT, A LANDLORD RECEIVES A VIOLATION NOTICE CITING A SERIOUS DEFECT, THEN THE LANDLORD CANNOT INCREASE THE RENTAL FEE FOR THOSE PREMISES UNTIL THE DEFECTS ARE CORRECTED AND THE NOTICE ABATED. IF THE SERIOUS DEFECTS CITED IN THE NOTICE ARE REPAIRED AND THE NOTICE ABATED WITHIN ~~90~~ 30 DAYS FROM THE DATE OF THE FIRST EXPIRATION OF THE NOTICE, THEN THE INCREASE IN THE RENTAL FEE SHALL BE DEEMED TO BEGIN, AND BE FULLY AND FINALLY EFFECTIVE FOR THE BALANCE OF THE TERM OF THE LEASE FROM AND AFTER THE DATE OF THE ABATEMENT OR AT THE TIME OF THE LEASE RENEWAL, WHICHEVER TIME COMES LATER. IF THE DEFECTS ARE LESS THAN SERIOUS, THEN THEY MUST BE REPAIRED WITHIN 60 DAYS FROM THE DATE OF THE EXPIRATION OF THE NOTICE. IF LESS THAN SERIOUS DEFECTS ARE NOT REPAIRED WITHIN THE 60-DAY PERIOD, THEN THE RENTAL FEE SHALL REVERT TO THE FEE CHARGED AT THE TIME OF THE VIOLATION NOTICE. IF THE DEFECTS ARE NOT REPAIRED AFTER WITHIN THE ~~90~~ 30-DAY PERIOD FOR SERIOUS DEFECTS OR THE 60-DAY PERIOD FOR LESS THAN SERIOUS DEFECTS, THEN THE LANDLORD SHALL BE PROHIBITED FROM INCREASING THE RENTAL**



FEE UNTIL 6 MONTHS AFTER THE DATE OF ABATEMENT. WHEN THE LANDLORD RECEIVES NOTICE OF EXTERIOR VIOLATIONS BETWEEN OCTOBER 1 AND APRIL 1 FOR REPAIRS WHICH REQUIRE AN AIR TEMPERATURE OF 50 DEGREES FAHRENHEIT OR ABOVE, FOR THESE DEFECTS ONLY THE ABOVE 60-DAY PERIOD SHALL BE DEEMED TO EXPIRE ON JUNE 1.

C. WHEN A TENANT COMPLAINT RESULTS IN A LANDLORD RECEIVING A VIOLATION NOTICE, IN ORDER FOR THE LIMITATIONS AND RESTRICTIONS IN SECTION B ABOVE TO APPLY TO A LANDLORD, EITHER 1) THE WRITTEN VIOLATION NOTICE MUST BE ISSUED MORE THAN 60 DAYS BEFORE THE INCREASE IS TO TAKE EFFECT, OR 2) THE TENANT MUST HAVE FILED A WRITTEN COMPLAINT WITH THE COMMISSIONER, WITH A COPY THEREOF TO THE LANDLORD, PRIOR TO RECEIVING A RENT INCREASE NOTICE. FOR THE PURPOSE OF THE TENANT'S RIGHTS UNDER THIS SECTION, ANY NOTICE OF A RENT INCREASE IS PRESUMED TO BE RECEIVED BY THE TENANT NO EARLIER THAN 60 DAYS PRIOR TO THE EXPIRATION OF THE LEASE, UNLESS A LEASE PROVIDES FOR A LONGER NOTICE REQUIREMENT NOT TO EXCEED 90 DAYS.

D. THE PROVISIONS OF THIS SECTION DO NOT LIMIT THE RIGHT OF A LANDLORD TO AN ADMINISTRATIVE REVIEW AS PROVIDED IN SECTION 305 OF ~~THIS CODE~~ THE HOUSING CODE OF BALTIMORE CITY.

E. A TENANT MAY SEEK RELIEF FROM AN APPROPRIATE COURT TO RESTRAIN OR ENJOIN ANY VIOLATION OF THE PROVISIONS OF THIS LAW.

SEC. 2. And be it further ordained, That this ordinance shall take effect ~~January 1,~~ JULY 1, 1981.

Approved April 30, 1981.

WILLIAM DONALD SCHAEFER, *Mayor.*

## No. 281

(Council No. 487)

AN ORDINANCE concerning

CITY STREET — CLOSING CERTAIN STREETS AND  
ALLEYS OR PORTIONS THEREOF LYING WITHIN  
THE AREA OF THE OLDTOWN URBAN  
RENEWAL PROJECT

FOR the purpose of condemning and closing a portion of Orleans Street, 120 feet wide, contiguous to the north side thereof and extending from Forrest Street, 60 feet wide, Westerly 303.81 feet, more or less, in accordance with a plat thereof numbered 314-A-6 prepared by the Surveys and Records Division and filed in the Office of the Department of Public Works, on the Seventeenth (17th) day of November, 1980.

BY authority of

Article I—General Provisions

Section 4

Article II—General Provisions

Sections 2, 34, 35

Baltimore City Charter (1964 Revision, as amended).

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That the Department of Public Works be, and they are hereby authorized and directed to condemn and close a portion of Orleans Street, 120 feet wide, contiguous to the north side thereof and extending from Forrest Street, 60 feet wide, Westerly 303.81 feet, more or less, the portion of street hereby directed to be condemned for said closing being described as follows:

Beginning for the same at the point formed by the intersection of the west side of Forrest Street, 60 feet wide as shown on the Amended Oldtown Project Final Subdivision Plan recorded among the Land Records of Baltimore City in the plat records R.H.B. No. 2527 and the north side of Orleans Street, 120 feet wide as shown on said Amended Final Subdivision Plan and running thence binding on the west side of said Forrest Street, South 02°-39'-50" East 3.95 feet; thence binding on the northwest, north,

northeast and east sides of Orleans Street varying in width the five following courses and distances; namely, South  $42^{\circ}-23'-41''$  West 14.16 feet, South  $87^{\circ}-27'-10''$  West 144.56 feet, by a line curving to the left with a radius of 1341.25 feet the distance of 148.85 feet which arc is subtended by a chord bearing South  $84^{\circ}-16'-25.5''$  West 148.77 feet, North  $50^{\circ}-43'-34''$  West 14.91 feet and North  $02^{\circ}-32'-50''$  West 12.28 feet to the north side of Orleans Street mentioned firstly herein and thence binding on the north side of Orleans Street mentioned firstly herein North  $87^{\circ}-27'-10''$  East 314.20 feet to the place of beginning.

the said portion of Orleans Street as directed to be condemned being delineated and particularly shown on a plat numbered 314-A-6 which was filed in the Office of the Department of Public Works on the Seventeenth (17th) day of November, in the year 1980, and is now on file in said Office.

SEC. 2. *And be it further ordained*, That after said highway or highways shall have been closed under the provisions of this Ordinance, all subsurface structures and appurtenances now owned by the Mayor and City Council of Baltimore, shall be and continue to be the property of the Mayor and City Council of Baltimore, in fee simple, until the use thereof shall be abandoned by the Mayor and City Council of Baltimore, and in the event that any person, firm or corporation shall desire to remove, alter or interfere therewith, such person, firm or corporation shall first obtain permission and permits therefore from the Mayor and City Council of Baltimore, and shall in the application for such permission and permits agree to pay all costs and charges of every kind and nature made necessary by such removal, alteration or interference.

SEC. 3. *And be it further ordained*, That no buildings or structures of any kind shall be constructed or erected in said portion of said highway or highways after the same shall have been closed under the provisions of this Ordinance until the subsurface structures and appurtenances now owned by the Mayor and City Council of Baltimore, over which said buildings or structures are



proposed to be constructed or erected shall have been abandoned or shall have been removed and relaid in accordance with the specifications and under the direction of the Director of Public Works of Baltimore City, and at the expense of the person or persons or body corporate desiring to erect such buildings or structures. Railroad tracks shall be taken to be "structures" within the meaning of this section.

SEC. 4. *And be it further ordained*, That after said highway or highways shall have been closed under the provisions of this Ordinance, all subsurface structures and appurtenances owned by any person, firm or corporation, other than the Mayor and City Council of Baltimore, shall upon notice from the Director of Public Works of Baltimore City, be promptly removed by and at the expense of the said owners.

SEC. 5. *And be it further ordained*, That on and after the closing of said highway or highways, the said Mayor and City Council of Baltimore, acting through its duly authorized representatives, shall, at all times, have access to said property and to all subsurface structures and appurtenances used by it therein, for the purposes of inspection, maintenance, repair, alteration, relocation and/or replacement, of any or all of said structures and appurtenances, and this without permission from or compensation to the owner or owners of said land.

SEC. 6. *And be it further ordained*, That the proceedings of said Department of Public Works with reference to the condemnation and closing of said portion of Orleans Street and the proceedings and rights of all parties interested or affected thereby, shall be regulated by, and be in accordance with, any and all applicable provisions of Article 4 of the Code of Public Local Laws of Maryland and the Charter of Baltimore City (1964 Revision) as amended to July 1, 1973 and any and all amendments thereto, and any and all other Acts of the General Assembly of Maryland, and any and all ordinances of the Mayor and City Council of Baltimore, and any and all rules or regulations in effect which have been adopted by

the Director of Public Works and filed with the Department of Legislative Reference.

SEC. 7. *And be it further ordained*, That this Ordinance shall take effect from the date of its passage.

Approved May 4, 1981.

WILLIAM DONALD SCHAEFER, *Mayor*.

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No. 282

(Council No. 515)

AN ORDINANCE concerning

SUPPLEMENTARY APPROPRIATION—  
DEPARTMENT OF HOSPITALS

FOR the purpose of providing a supplementary general fund appropriation in the amount of Ninety Thousand Seven Hundred Fifty Dollars (\$90,750) to the Department of Hospitals to be used for additional operating expenses of the Mason F. Lord Building.

BY authority of

Article VI—Board of Estimates

Section 2(h) (1)

Baltimore City Charter (1964 Revision as amended)

WHEREAS, the money appropriated herein represents revenue produced by Hospital Charges to Patients for care in the Mason F. Lord Building in excess of the revenue estimated and relied upon by the Board of Estimates in determining the tax levy required to balance the budget for the 1981 fiscal year and is therefore available for appropriation to the Department of Hospitals pursuant to the provisions of Article VI, Section 2(h) (1) of the Baltimore City Charter (1964 Revision as amended) ; and

WHEREAS, the supplementary general fund appropriation ordained herein has been recommended to the City Council by the Board of Estimates, said recommendation having

been made at a regular meeting of said Board held on the 4th day of February, 1981, all in accordance with Article VI, Section 2(h) (1) of said Charter.

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That under the provisions of Article VI, Section 2(h) (1) of the 1964 Revision of the Charter of Baltimore City as amended, the sum of Ninety Thousand Seven Hundred Fifty Dollars (\$90,750) shall be made available to the Department of Hospitals of the City of Baltimore as a supplementary general fund appropriation for the fiscal year ending June 30, 1981 for the purpose of additional expenses of the Mason F. Lord Building. The amount thus made available as a supplementary general fund appropriation shall be expended from revenue derived from Hospital Charges to Patients for care in the Mason F. Lord Building in excess of the amount from this source which was estimated or relied upon by the Board of Estimates in determining the tax levy required to balance the budget for the 1981 fiscal year; and said funds from said Hospital Charges shall be the source of revenue for this supplementary general fund appropriation, as required by Article VI, Section 2(h) (1) of the Baltimore City Charter (1964 Revision as amended).

SEC. 2. *And be it further ordained*, That this ordinance shall take effect from the date of its passage.

Approved May 4, 1981.

WILLIAM DONALD SCHAEFER, *Mayor*.

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No. 283

(Council No. 88)

AN ORDINANCE concerning

URBAN RENEWAL—MOUNT ROYAL PLAZA—  
AMENDMENT NO. 11

FOR the purpose of amending the Renewal Plan for Mount Royal Plaza, to, among other things: (1) prohibit sand-



blasting as a means of cleaning masonry facades on all properties within the area and provide a penalty for violating this prohibition; (2) provide for review by the Department of Housing and Community Development of all plans for new construction, exterior rehabilitation, change in use, or demolition of properties within the Mount Royal Plaza area; ~~(4)~~ (3) provide for review of development by the Department of Housing and Community Development and the community; ~~(5)~~ (4) eliminate the semi-public land use category; ~~(6)~~ (5) subdivide and create disposition lots for recreational and residential uses; ~~(7)~~ (6) increase the size of Disposition Lot 6 by including a portion of the Cathedral Street right-of-way; ~~(8)~~ (7) indicate an easement along the northwestern portion of Disposition Lots 7A1, 7A2, and 7A3 to provide access to Disposition Lot 9C; ~~(9)~~ (8) change the land use of and provide standards and controls for certain disposition lots; ~~(10)~~ (9) provide standards which are to be applied to properties to be acquired and properties which are not to be acquired; ~~(11)~~ (10) revise and/or delete certain Exhibits attached to the Plan to reflect the changes proposed herein; ~~(12)~~ (11) waive such requirements, if any, as to content or procedure for the preparation, adoption, and approval of renewal plans as set forth in Article 13 of the Baltimore City Code (1976 Edition, as amended), which the Renewal Plan for Mount Royal Plaza may not meet; ~~(13)~~ (12) provide for the separability of various parts and applications OF this ordinance; ~~(14)~~ (13) provide that where the provisions of this ordinance shall conflict with any other ordinance, code or regulation in force in the City of Baltimore, the provision which establishes the higher standard shall prevail; and ~~(15)~~ (14) provide for an effective date hereof.

WHEREAS, An Urban Renewal Plan for Mount Royal Plaza was approved by the Mayor and City Council of Baltimore by Ordinance No. 828, dated April 11, 1957, and was last amended by a minor amendment, approved by the Board of Estimates on October 18, 1978; and

WHEREAS, pursuant to Article 13 of the Baltimore City Code (1976 Edition, as amended), no substantial change or changes shall be made in any renewal plan, after approval by ordinance, without such change or changes first being

adopted and approved in the same manner as set forth in said Article 13 for the approval of an urban renewal plan, namely the preparation of such change or changes by the Department of Housing and Community Development, the approval of such change or changes by the Director of the Department of Planning, and approval and adoption by an ordinance of the Mayor and City Council of Baltimore after a public hearing in relation thereto, all in the manner set forth in said Article 13; and

WHEREAS, extensive changes in the Urban Renewal Plan make it infeasible to make line-by-line changes; therefore, the Department of Housing and Community Development has prepared an amended Renewal Plan for Mount Royal Plaza; and

WHEREAS, said Amendment No. 11 to the Urban Renewal Plan for Mount Royal Plaza has been approved by the Director of the Department of Planning with respect to its conformity as to the Master Plan, the detailed location of any public improvements proposed in the amended Renewal Plan, its conformity to the rules and regulations for subdivisions, and its conformity to existing zoning districts; and said Amendment No. 11 to the Renewal Plan has been approved and recommended to the Mayor and City Council of Baltimore by the Commissioner of the Department of Housing and Community Development; now, therefore,

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That the amended Urban Renewal Plan for Mount Royal Plaza, identified as "Urban Renewal Plan, Mount Royal Plaza . . . revised to include Amendment No. 11, dated November 16, 1979 AND REVISED APRIL 13, 1981", is hereby approved and the Clerk of the City Council is hereby directed to file a copy of said amended Urban Renewal Plan with the Department of Legislative Reference as a permanent public record and to make the same available for public inspection and information.

SEC. 2. *And be it further ordained*, That the cleaning of masonry facades on all properties in Mount Royal Plaza by means of sandblasting shall not be permitted.

SEC. 3. *And be it further ordained*, That any person guilty of violating the provision contained in Section 2 of this

ordinance shall be guilty of a misdemeanor and shall be subject to a fine not exceeding One Hundred Dollars (\$100.00) and that each day's violation shall constitute a separate offense.

SEC. 4. *And be it further ordained*, That all plans for new construction (including parking lots), exterior rehabilitation, or change in use on any property not to be acquired under the provisions of the Urban Renewal Plan shall be submitted to the Department of Housing and Community Development for review. Only upon finding that the proposed plans are consistent with the objectives of the Urban Renewal Plan shall the Commissioner of the Department of Housing and Community Development authorize the processing of the plans for issuance of a building permit. The provisions of this section are in addition to and not in lieu of all other applicable laws and ordinances relating to new construction.

SEC. 5. *And be it further ordained*, That all applications for demolition permits shall be submitted to the Department of Housing and Community Development for review and approval. Upon finding that the proposed demolition is consistent with the objectives of the urban renewal plan, the Commissioner of the Department of Housing and Community Development shall authorize the issuance of the necessary permit. If the Commissioner finds that the proposal is inconsistent with the objectives of the urban renewal plan and therefore denies the issuance of the permit, he shall, within 90 days of such denial, seek approval of the Board of Estimates to acquire for and on behalf of the Mayor and City Council of Baltimore, the property, in whole or in part, on which said demolition was to have occurred, by purchase, lease, condemnation, gift or other legal means for the renovation, rehabilitation, and disposition thereof. In the event that the Board of Estimates does not authorize the acquisition, the Commissioner shall, without delay, issue the demolition permit.

SEC. 6. *And be it further ordained*, That in whatever respect, if any, the Renewal Plan approved hereby for Mount Royal Plaza may not meet the requirements as to the content of a renewal plan or the procedure for the



preparation, adoption, and approval of renewal plans as provided in Article 13 of the Baltimore City Code (1976 Edition, as amended), the said requirements are hereby waived and the amended Renewal Plan approved hereby is exempted therefrom.

SEC. 7. *And be it further ordained*, That in the event it be judicially determined that any word, phrase, clause, sentence, paragraph, section or part in or of this ordinance, or the application thereof to any person or circumstances is invalid, the remaining provisions and the application of such provisions to other persons or circumstances shall not be affected thereby, the Mayor and City Council hereby declaring that they would have ordained the remaining provisions of this ordinance without the word, phrase, clause, sentence, paragraph, section or part, or the application thereof so held invalid.

SEC. 8. *And be it further ordained*, That in any case where a provision of this ordinance concerns the same subject matter as an existing provision of any zoning, building, electrical, plumbing, health, fire or safety code or regulation, the applicable provisions concerned shall be construed so as to give effect to each; provided, however, that if such provisions are found to be in irreconcilable conflict, the provision which establishes the higher standard shall prevail. In any case where a provision of this ordinance is found to be in conflict with an existing provision of any other ordinance or code or regulation in force in the City of Baltimore which establishes a lower standard for the promotion and protection of the public health and safety, the provision of this ordinance shall prevail, and the other existing provision of such other ordinance or code or regulation is hereby repealed to the extent that it may be found in conflict with this ordinance.

SEC. 9. *And be it further ordained*, That this ordinance shall take effect from the date of its passage.

Approved May 8, 1981.

WILLIAM DONALD SCHAEFER, *Mayor*.

## No. 284

(Council No. 463)

## AN ORDINANCE concerning

## REZONING—4800-4816 ROLAND AVENUE

FOR the purpose of changing the zoning for the properties known as 4800-4816 Roland Avenue from the R-2 Zoning District to the B-1 Zoning District as outlined in red on the plats accompanying this ordinance.

BY amending Zoning District Maps

Sheet No. 14

Article 30—Zoning

Baltimore City Code (1976 Edition, as amended)

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That Sheet No. 14 of the Zoning District Maps of Article 30 of the Baltimore City Code (1976 Edition, as amended) title "Zoning" be and it is hereby amended by changing from the R-2 Zoning District to the B-1 Zoning District the properties known as 4800-4816 Roland Avenue as outlined in red on the plats accompanying this ordinance.

SEC. 2. *And be it further ordained*, That upon passage of this ordinance by the City Council, as evidence of the authenticity of the plat which is a part hereof and in order to give notice to the departments which are administering the Zoning Ordinance, the President of the City Council shall sign the plat and when the Mayor approves the ordinance, he shall sign the plat. The Director of Finance shall then transmit a copy of the ordinance and one of the plats to the following: the Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of the Department of Housing and Community Development, and the Zoning Administrator.

SEC. 3. *And be it further ordained*, That this ordinance shall take effect thirty days from the date of its passage.

Approved May 8, 1981.

WILLIAM DONALD SCHAEFER, *Mayor*.

No. 285  
(Council No. 385)

AN ORDINANCE concerning

REZONING—~~4330~~ 4332-4336 REISTERSTOWN ROAD

FOR the purpose of changing the zoning for the property located at ~~4330~~ 4332-4336 Reisterstown Road from the R-6 Zoning District to the B-2-2 Zoning District as outlined in red on the AMENDED plats accompanying this ordinance.

BY amending Zoning District Maps

Sheet No. 23

Article 30—Zoning

Baltimore City Code (1976 Edition, as amended)

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That Sheet No. 23 of the Zoning District Maps of Article 30 of the Baltimore City Code (1976 Edition, as amended) title "Zoning" be and it is hereby amended by changing from the R-6 Zoning District to the B-2-2 Zoning District the property located at ~~4330~~ 4332-4336 Reisterstown Road as outlined in red on the AMENDED plats accompanying this ordinance.

SEC. 2. *And be it further ordained*, That upon passage of this ordinance by the City Council, as evidence of the authenticity of the AMENDED plat which is a part hereof and in order to give notice to the departments which are administering the Zoning Ordinance, the President of the City Council shall sign the AMENDED plat and when the Mayor approves the ordinance, he shall sign the AMENDED plat. The Director of Finance shall then transmit a copy of the ordinance and one of the AMENDED plats to the following: the Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of the Department of Housing and Community Development, and the Zoning Administrator.

SEC. 3. *And be it further ordained*, That this ordinance shall take effect thirty days from the date of its passage.

Approved May 11, 1981.

WILLIAM DONALD SCHAEFER, *Mayor*.



**No. 286**  
**(Council No. 524)**

AN ORDINANCE concerning

**ZONING—APPROVAL FOR CONDITIONAL USE  
PARKING LOT IN THE PARKING LOT DISTRICT  
216-226 ST. PAUL PLACE**

FOR the purpose of granting permission for the establishment, maintenance and operation of an open off-street parking area on the properties located at 216-226 St. Paul Place as outlined in red on the plats accompanying this ordinance.

BY authority of

Article 30—Zoning

Sections 9.0-3d and 11.0-6d

Baltimore City Code (1976 Edition, as amended)

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That permission is hereby granted for the establishment, maintenance and operation of an open off-street parking area on the properties located at 216-226 St. Paul Place as outlined in red on the plats accompanying this ordinance, under the provisions of Sections 9.0-3d and 11.0-6d of Article 30 of the Baltimore City Code (1976 Edition, as amended) title "Zoning".

SEC. 2. *And be it further ordained*, That upon passage of this ordinance by the City Council, as evidence of the authenticity of the plat which is a part hereof and in order to give notice to the departments which are administering the Zoning Ordinance, the President of the City Council shall sign the plat and when the Mayor approves the ordinance, he shall sign the plat. The Director of Finance shall then transmit a copy of the ordinance and one of the plats to the following: the Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of the Department of Housing and Community Development and the Zoning Administrator.

SEC. 3. *And be it further ordained*, That this ordinance shall take effect thirty days from the date of its passage.

Approved May 11, 1981.

WILLIAM DONALD SCHAEFER, *Mayor*.

No. 287

(Council No. 526)

AN ORDINANCE concerning

## BOWLING ALLEYS

FOR the purpose of exempting religious, charitable, educational and medical institutions from the Baltimore City Code requirement that bowling alleys obtain licenses.

BY amending

Article 15—Licenses

Section 11

Baltimore City Code (1976 Edition, as amended)

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That Section 11 of Article 15 of the Baltimore City Code (1976 Edition, as amended), title "Licenses", be and it is hereby repealed and reordained with amendments to read as follows:

## 11. Bowling Alleys.

No person or persons shall erect, set up, keep, maintain or in any respect whatever use for amusement or entertainment within the city, any bowling saloon, bowling alley, nine or ten pin alley, or any other device or structure, in or upon which one or more pins are set up, for the purpose of casting, throwing, pushing or rolling against such pin or pins, one or more balls, or other missiles, without having obtained a license therefor, for which license there shall be annually paid a sum computed at the rate of forty dollars (\$40.00) for each separate "lane" or "alley", with a minimum license fee for any one location or premises to be one hundred dollars (\$100.00) annually. *Nothing in this section, however, shall be construed to require any bona fide religious, charitable, educational or medical institution, operating seven (7) or fewer such "lanes" or "alleys" to obtain such a license, provided that any proceeds from the operation of such "lanes" or "alleys" be devoted to charitable purposes exclusively or in furtherance of the purposes of such institution.* Any person or persons violating any provision of this section shall for-

feit and pay a penalty of twenty dollars (\$20.00) for each and every day he, she or they may so offend.

SEC. 2. *And be it further ordained*, That this ordinance shall take effect immediately upon its passage.

Approved May 11, 1981.

WILLIAM DONALD SCHAEFER, *Mayor*.

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No. 288

(Council No. 574)

AN ORDINANCE concerning

TAX SALE PROPERTY REDEMPTIONS

FOR the purpose of increasing from eight per cent per annum to twelve per cent per annum the interest rate applicable to redemptions of property from tax sales in Baltimore City.

BY repealing and reordaining with amendments

Article 28—Taxes

Section 16

Baltimore City Code (1976 Edition, as amended)

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That Section 16 of Article 28 of the Baltimore City Code (1976 Edition, as amended), title “Taxes”, sub-title “Director of Finance”, is hereby repealed and reordained to read as follows:

DIRECTOR OF FINANCE

16. Interest rate on redemptions from tax sales.

Pursuant to the authorization contained in Section [93] 83 of Article 81 of the Maryland Code, the interest rate applicable to redemptions of property from tax sales in Baltimore City shall be [eight per cent (8%)] *twelve per cent (12%)* per annum.



SEC. 2. *And be it further ordained, That this ordinance shall take effect ~~thirty days~~ from the date of its passage.*

Approved May 12, 1981.

WILLIAM DONALD SCHAEFER, *Mayor.*

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No. 289

(Council No. 542)

AN ORDINANCE concerning

IMPOUNDING AREA — EMORY STREET

FOR the purpose of designating the west side of the 200 block of Emory Street where parking meters are installed as an impounding area.

BY adding

Article 31—Transit and Traffic

Section 105 (1b)

Baltimore City Code (1976 Edition, as amended)

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore, That Section(s) of the Baltimore City Code (1976 Edition, as amended) be added, repealed, or amended, to read as follows:*

Article 31—Transit and Traffic

Impounding Areas

105. E Streets

(1b) *Emory Street, west side, of the 200 block where parking meters are installed.*

SEC. 2. *And be it further ordained, That this ordinance shall take effect thirty days from the date of its passage.*

Approved May 13, 1981.

WILLIAM DONALD SCHAEFER, *Mayor.*

## No. 290

(Council No. 432)

## AN ORDINANCE concerning

## RESIDENTIAL LEASE REQUIREMENTS

FOR the purpose of ~~requiring all residential leases to be in writing and a copy given to tenant~~; providing that certain information shall be included in ~~each~~ A WRITTEN RESIDENTIAL lease AND THAT A COPY BE GIVEN TO THE TENANT; and providing penalties.

BY adding

Article 13—Housing and Urban Renewal

Subtitle—Leases

Section—56

Baltimore City Code (1976 Edition, as amended)

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That new Section 56 be and it is hereby added to Article 13 of the Baltimore City Code (1976 Edition, as amended), title “Housing and Urban Renewal”, to come under the new subtitle “Leases”, and to read as follows:

## LEASES

56. *Residential lease requirements.*

AFTER ~~JULY~~ AUGUST 1, 1981, ANY LANDLORD WHO RENTS DWELLING UNITS BY MEANS OF WRITTEN LEASES SHALL COMPLY WITH THE FOLLOWING REQUIREMENTS:

a. *Written lease; copy to tenant.* ~~All residential leases shall be in writing.~~ A copy of the lease, signed by tenant and landlord, shall be given to tenant at the time of signing of the lease.

b. *Information required.* Each residential lease shall contain the following information: the name, residence address and telephone number ~~and~~ OR business address and telephone number of the owner of the property, or the name, residence address and telephone number ~~and~~ OR business address and telephone number of a person ~~21~~ 18 years of age or older, customarily present in an office in the metropolitan

Baltimore area, designated by the property owner as his agent as managing operator of the property, responsible for maintenance and operation of the unit in accordance with the provisions of the Housing Code of Baltimore City, and authorized to receive court process on behalf of the owner in connection with the enforcement of ordinances relating to the rental unit. Any owner who is not customarily present in an office in the metropolitan Baltimore area shall include in the lease the information required above for a managing agent.

Within ~~2~~ 10 days of a change in any information required by this section to be contained in a lease, the property owner shall notify the tenant of the change. The notice shall be sent to tenant by ~~certified~~ FIRST CLASS mail, ~~return receipt requested.~~

c. Exemptions. The provisions of this section do not apply to the following:

(1) rental units in hotels, motels, inns, tourist homes and rooming and boarding houses which are rented primarily to transient guests for a period of less than fourteen (14) days, and (2) rental units in any hospital, convent, monastery, extended medical care facility, asylum, non-profit home for the aged, or dormitory owned and operated by an institution of higher education, and (3) individual rental units which a government unit, agency, or authority owns, operates or manages, and (4) rental units within the premises occupied by the owner as his residence.

d. Existing written leases. Where a written lease in effect on January JULY 1, 1981 does not conform to the requirements of (b) above, the property owner shall by January AUGUST 1, 1981 provide the tenant with the information required by (b) by certified mail, return receipt requested.

e. D. Responsibility for compliance. The owner of the property has primary responsibility for compliance with the provisions of this section.

f. Penalty. Any property owner who leases residential property under a lease which does not conform to the provisions of this section, or who fails to give to the tenant a



*copy of the lease as provided in this section, shall be subject to a fine of up to \$100 for each violation.*

*g. Civil remedies. Any property owner who leases residential property under a lease which does not conform to the provisions of this section, or who fails to give to the tenant a copy of the lease as provided in this section, shall be liable to the tenant for reasonable attorney's fees and costs, as determined by the court, plus damages in an amount not to exceed one month's rent for each violation.*

**F. E. PENALTY. ANY PROPERTY OWNER WHO LEASES RESIDENTIAL PROPERTY UNDER A WRITTEN LEASE WHICH DOES NOT CONFORM TO THE PROVISIONS OF THIS SECTION, OR WHO FAILS TO GIVE A TENANT A COPY OF THE LEASE AS PROVIDED IN THIS SECTION, SHALL BE GUILTY OF A MISDEMEANOR AND, UPON CONVICTION, SHALL BE SUBJECT TO A FINE OF UP TO \$100 FOR EACH VIOLATION.**

**G. F. A TENANT MAY SEEK RELIEF FROM AN APPROPRIATE COURT TO RESTRAIN OR ENJOIN ANY VIOLATION OF THE PROVISIONS OF THIS SECTION.**

**SEC. 2. AND BE IT FURTHER ORDAINED, THAT THE PROVISIONS OF THIS ORDINANCE SHALL APPLY ONLY TO ~~ALL~~ LEASES ~~WRITTEN~~ EXECUTED AFTER AUGUST 1, 1981.**

**SEC. ~~2~~ 3. And be it further ordained, That this ordinance shall take effect July 1, 1981.**

Approved May 14, 1981.

WILLIAM DONALD SCHAEFER, *Mayor*.

## No. 291

(Council No. 433)

## AN ORDINANCE concerning

ISSUANCE OF CONSTRUCTION  
REVENUE NOTES—(WATER AND  
WASTEWATER PROJECTS)

FOR the purpose of authorizing and providing for the issuance, from time to time, by Mayor and City Council of Baltimore (the "City") of its construction revenue notes, designated "Construction Revenue Notes (Water and Wastewater Projects)" in an aggregate principal amount not exceeding ~~twenty-six million, two hundred and ten thousand dollars (\$26,210,000)~~ TEN MILLION DOLLARS (\$10,000,000) pursuant to the provisions of Article 31, Section 12 of the Annotated Code of Maryland (1976 Replacement Volume and 1980 Cumulative Supplement) and in accordance with the revenue bond authority contained in Article II, Section 50 of the Charter of Baltimore City (1964 Revision), as amended, and the general obligation bond authority contained in (i) ~~Chapter 128 of the Laws of Maryland of 1971, and Ordinance No. 1098 of the City, approved by the Mayor on June 24, 1971,~~ (ii) ~~Chapter 141 of the Laws of Maryland of 1972, and Ordinance No. 76 of the City, approved by the Mayor on June 15, 1972,~~ (iii) ~~Chapter 73 of the Laws of Maryland of 1978, and Ordinance No. 785 of the City, approved by the Mayor on June 26, 1978,~~ (iv) (II) Chapter 9 of the Laws of Maryland of 1979 and Ordinance No. 1031 of the City, approved by the Mayor on May 24, 1979, and ~~(v)~~ (III) Chapter 13 of the Laws of Maryland of 1979 and Ordinance No. 82 of the City, approved by the Mayor on June 9, 1980, in order to use the proceeds for the public purposes of (a) financing certain water and wastewater facilities in the City of Baltimore, as provided in this Ordinance, (b) funding up to twelve (12) months capitalized interest on the notes (unless a longer period is allowed by law, in which case, funding such interest up to the period permitted by law), and (c) paying the costs of issuance of such notes; authorizing the issuance of revenue bonds

for the permanent financing of such water and waste-water facilities in an aggregate principal amount not to exceed ~~twenty-six million, two hundred and ten thousand dollars (\$26,210,000)~~ TEN MILLION DOLLARS (\$10,000,000) pursuant to Article II, Section 50 of the Charter of Baltimore City (1964 Revision), as amended; prescribing the form and tenor of the construction revenue notes and determining certain other matters relating to the issuance and sale thereof; providing that certain matters pertaining to the notes, including (without limitation) the amounts and dates of any series, maturity or maturities, method of competitive sale, if any, interest rate or rates, redemption provisions, if any, and the period, if any, during which interest will be capitalized, shall be determined administratively at or prior to the time of the sale of any series of such notes by resolution of the Board of Finance of the City; providing for the private (negotiated) sale of such notes or, upon certain findings and determinations by the Board of Finance, for the competitive sale of all or any part of such notes; providing for the disbursement of the proceeds of said notes; providing for the payment of said notes from either (a) the first proceeds of revenue bonds to be issued by the City in an amount necessary, together with any other available funds, to provide for the payment of the principal of and interest on such notes at maturity, or (b) the first proceeds of bonds to be issued on the full faith and credit of the City in an amount necessary, together with any other available funds, to provide for the payment of the principal of and interest on such notes at maturity; covenanting to issue said revenue bonds or general obligation bonds when, and as soon as, the reason for deferring the issuance thereof no longer exists; covenanting (in the event revenue or general obligation bonds are not issued to pay the principal of and interest on the notes when due) to levy and collect all taxes necessary to provide for the payment of the principal of and interest on said notes; providing that the proceeds of said notes, or any monies which may be deemed to be proceeds, will not be used in a manner which would cause said notes to be arbitrage notes; authorizing the Board of Finance and the Director of Finance to make certain alterations in the form and tenor



of the construction revenue notes upon certain conditions; providing that the Board of Finance may determine by resolution or other appropriate action certain other matters pertaining to the issuance, sale or delivery of any series of such notes; and generally relating to the issuance, sale, and delivery and payment of all said notes.

### RECITALS

A. For convenience of reference, Mayor and City Council of Baltimore, a municipal corporation organized and existing under the Constitution and laws of the State of Maryland, is hereinafter sometimes referred to as the "City".

B. The Authority for the issuance of bond anticipation notes is contained in Article 31, Section 12 of the Annotated Code of Maryland (1976 Replacement Volume and 1980 Cumulative Supplement). Article 31, Section 12 is sometimes referred to in this ordinance as the "Bond Anticipation Note Enabling Act". The authority for the issuance of the bonds in anticipation of which the notes will be issued (i) if such bonds are revenue bonds, is contained in Article II, Section 50 of the Charter of Baltimore City (1964 Revision), as amended (the "Revenue Bond Enabling Act"), and (ii) if such bonds are general obligation bonds, is contained in

| Laws of<br>Maryland                                  | City<br>Ordinance     | Approved by<br>Mayor | Ratified by<br>Voters |
|------------------------------------------------------|-----------------------|----------------------|-----------------------|
| Chapter 128<br>of the Laws<br>of Maryland<br>of 1971 | Ordinance<br>No. 1098 | June 24,<br>1971     | November 2,<br>1971   |
| Chapter 141<br>of the Laws<br>of Maryland<br>of 1972 | Ordinance<br>No. 76   | June 15,<br>1972     | November 7,<br>1972   |
| Chapter 73<br>of the Laws<br>of Maryland<br>of 1978  | Ordinance<br>No. 785  | June 26,<br>1978     | November 7,<br>1978   |

|                                                     |                       |                 |                     |
|-----------------------------------------------------|-----------------------|-----------------|---------------------|
| Chapter 9<br>of the Laws<br>of Maryland<br>of 1979  | Ordinance<br>No. 1031 | May 24,<br>1979 | November 6,<br>1979 |
| Chapter 13<br>of the Laws<br>of Maryland<br>of 1979 | Ordinance<br>No. 82   | June 9,<br>1980 | November 4,<br>1980 |

Chapters 128, 141 and 73 and Ordinances 1098, 76 and CHAPTER 73 AND ORDINANCE 785 are referred to as the "Water Facility Acts" and Chapters 9 and 13 and Ordinances 1031 and 82 are referred to as the "Wastewater Facility Acts." The Water Facility Acts and the Wastewater Facility Acts are collectively referred to as the "General Obligation Bond Enabling Acts."

C. The Bond Anticipation Note Enabling Act authorizes and empowers the City to borrow money in anticipation of the issuance of its bonds and to evidence such borrowing by the issuance and sale of its bond anticipation notes in aggregate amount not greater than the authorized amount of the bonds in anticipation of the sale of which the notes are issued and sold. The Bond Anticipation Note Enabling Act provides that such notes shall be payable as to interest and principal (except to the extent paid from proceeds of the sale of the notes) from the first proceeds of the bonds in anticipation of the sale of which such notes are issued. The Bond Anticipation Note Enabling Act further authorizes and empowers the City to pay up to twelve months' interest on the notes from the proceeds of the notes.

D. The Revenue Bond Enabling Act authorizes and empowers the City to issue revenue bonds for any of the purposes or objectives of the City. The revenue bonds authorized to be issued pursuant to the Revenue Bond Enabling Act and under this Ordinance are sometimes referred to herein as the "Revenue Bonds".

E. The Water Facility Acts authorize and empower the City to borrow up to ~~\$10,410,000~~ \$1,000,000 for the acquisition, construction and development of certain water projects generally described therein.

F. The Wastewater Facility Acts authorize and empower the City to borrow up to ~~\$15,800,000~~ \$9,000,000 for the construction of certain wastewater projects generally described therein.

G. The general obligation bonds authorized to be issued pursuant to the General Obligation Bond Enabling Acts are sometimes referred to herein as the "General Obligation Bonds".

H. The General Obligation Bond Enabling Acts confer upon the Board of Finance of the City (as successor to the Commissioners of Finance of the City) certain powers in connection with the General Obligation Bonds, including, without limitation, the power to determine the form or forms of bonds, the date of the bonds issued at any particular time, the right of redemption of the bonds prior to maturity and the rate or rates of interest to be borne by the bonds. The Revenue Bond Enabling Act confers similar powers upon the Board of Finance of the City in connection with the Revenue Bonds.

I. It is contemplated that the City will issue Revenue Bonds in an amount necessary, together with any other available funds, to provide for the payment of the principal of and interest on the notes at maturity, as a first step in the implementation of the separate enterprise systems for water and sanitary wastewater utilities.

J. If for any reason the City is unable to issue Revenue Bonds to pay the notes when due, the City will issue General Obligation Bonds in an amount necessary, together with any other available funds, to provide for the payment of the principal of and interest on the notes at maturity.

K. Article 6, Section 11 of the Charter of the City provides that water and sanitary wastewater utilities shall each be conducted as a separate enterprise and that the City shall have adopted by January 1, 1979 an ordinance or ordinances as may be necessary or desirable to implement the provisions of such Section 11. On December 12, 1978 the City Council adopted Ordinance No. 941, approved by the Mayor on December 14, 1978, providing for the implementation of separate enterprise systems for water and sanitary wastewater utilities.



L. In the event that the City is unable to issue its Revenue Bonds or General Obligation Bonds in an amount sufficient to pay the principal of and interest on the notes when due, the City will levy *ad valorem* taxes in an amount sufficient to pay the principal of and interest on the notes when due. The Charter of the City contains no limitations upon the rate at which *ad valorem* taxes may be levied by the City for the payment of the principal of and interest on the City's bonded indebtedness.

M. The City proposes to spend the proceeds of the notes hereby authorized for the general public purposes of extending, enlarging, developing and improving the municipal water supply system of Baltimore City and enlarging, extending, altering, modernizing, and improving the sanitary sewerage, storm water drainage, and stream valley systems of Baltimore City, as described in the General Obligation Bond Enabling Acts and in this Ordinance.

N. The Bond Anticipation Note Enabling Act authorizes the sale of any notes to be issued pursuant to such act by public sale or by private negotiation with prospective purchasers, if such negotiated sale is deemed by the City to be in the best interest of the City.

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That, acting pursuant to the Bond Anticipation Note Enabling Act and in accordance with the Revenue and General Obligation Bond Enabling Acts, it is hereby found and determined, as follows:

(A) The net proceeds from the sale of the City's Construction Revenue Notes (Water and Wastewater Projects), authorized to be issued and sold by this Ordinance, shall be used and applied for the public purposes of (i) financing, in part, the cost of certain water and wastewater projects, as stated in the Preamble of this Ordinance (collectively the "Projects"); (ii) paying the costs of issuance of any series of notes authorized under this Ordinance; and (iii) funding up to twelve month's interest on any series of notes authorized under this Ordinance, unless a longer period is allowed by law at the time of the issuance of such series, in which case, funding such interest up to the period then allowed by law.

(B) The cost of the Projects shall include (without limitation) the costs of ~~(i) converting existing unmetered water services within the boundary lines of Baltimore City to metered water services, including, but not limited to, the purchase of water meters and the installation thereof, and the doing of any and all things necessary, proper or expedient in connection therewith;~~ (ii) extending, enlarging, developing and improving the municipal water supply and the water system of Baltimore City, including, but not limited to, the construction, reconstruction and extension of transmission conduits, tunnels, and distribution mains, the increasing of the source or sources of supply, the construction of additional storage reservoirs, additions to and extensions of existing reservoirs, the construction of additional pumping stations, filter basins or plants, additions to and extensions of existing pumping stations, filter basins or plants, any or all of the work to be done either within or outside of the boundary lines of Baltimore City, and the doing of all things necessary, proper or expedient to secure a full and adequate supply of water for the City of Baltimore and its inhabitants and such other persons or other legal entities as may now or hereafter be lawfully furnished water by the City;

(C) The construction of additional sewage disposal plants, pumping stations and other appurtenances, the alteration, enlargement, modernization and improvement of existing sewage disposal plants, pumping stations and other appurtenances, and the acquisition by purchase or condemnation of any and all sanitary and storm water sewers, sewage disposal plants, pumping stations and other appurtenances, as well as of any and all land and property, and of any right, interest, franchise, easement or privilege therein, as may be necessary for any or all of the above mentioned purposes, and doing any and all things necessary, proper or expedient in connection with or pertaining to any or all of the matters or things hereinbefore mentioned.

SEC. 2. *And be it further ordained,* That the issuance, sale and delivery of an amount not exceeding ~~twenty-six million, two hundred and ten thousand dollars (\$26,210,000)~~ TEN MILLION DOLLARS (\$10,000,000) aggregate principal amount of bonds, hereby designated "Revenue Bonds

(Water and Wastewater Projects)" (the "Revenue Bonds") is hereby authorized. The proceeds of the Revenue Bonds, if such bonds are issued, shall be used to pay (when due) the principal of and interest on the City's Construction Revenue Notes (Water and Wastewater Projects), authorized to be issued and sold by this Ordinance. The Revenue Bonds shall contain such terms and provisions as determined by resolution of the Board of Finance prior to their issuance.

SEC. 3. *And be it further ordained*, That the issuance, sale and delivery of an amount not exceeding ~~twenty-six million, two hundred and ten thousand dollars (\$26,210,000)~~ TEN MILLION DOLLARS (\$10,000,000) aggregate principal amount of notes, hereby designated "Construction Revenue Notes (Water and Wastewater Projects)" (the "Notes") is hereby authorized, subject to the provisions of this Ordinance. The Notes may be issued in one or more series, and each such series shall be identified by a letter designation, so that the first series (if the issuance of more than one series of notes hereunder is then contemplated) shall be designated "Construction Revenue Notes (Water and Wastewater Projects), Series A". The aggregate principal amount of Notes to be issued pursuant to this Ordinance at any one time shall be determined by the Board of Finance by resolution adopted prior to the delivery of the Notes.

SEC. 4. *And be it further ordained*, That Notes of a series of Notes shall be dated as of the first day of the month in which the series of Notes is delivered unless the Board of Finance shall specify a different date in its resolution hereinafter described, and the Notes shall bear interest at an annual rate or rates payable semi-annually following the date of the series of Notes so that, if the Notes of a series are dated ~~December 1, 1980~~ MAY 1, 1981, interest on that series of Notes will be payable on ~~June~~ NOVEMBER 1, 1981, and semi-annually thereafter. The Notes shall be in the denomination of Five Thousand Dollars (\$5,000) each and the Notes of each series of Notes shall be numbered from one (1) consecutively upwards, unless otherwise determined by the Board of Finance in its resolution hereinafter described.



SEC. 5. *And be it further ordained*, That, prior to the delivery of any series of Notes, the Board of Finance shall adopt a resolution or resolutions which shall prescribe, subject to the limitations hereinafter provided, (i) the principal amount of Notes to be issued as a series at any one time, (ii) the date of issue of the series of Notes, (iii) the interest rate to be borne by the series of Notes, (iv) the period, if any, during which interest shall be capitalized for the series of Notes, (v) the redemption provisions, if any, for the series of Notes, (vi) the maturity or maturities of the series of Notes, (vii) the method for competitive sale if any series of Notes is determined to be sold at competitive sale, and (viii) any additional terms necessary or appropriate to reflect any matters provided in that resolution.

The period during which interest may be capitalized for any series of Notes shall not exceed a period of twelve (12) months, unless a longer period is allowed by law at the time of issuance of the series of Notes.

The maturity date for all series of Notes issued pursuant to this Ordinance shall be the same date, such date to be determined by resolution of the Board of Finance adopted prior to the delivery of the series of Notes; however, the maturity of Notes shall not extend beyond May 1, ~~1983~~ 1984, unless extended by resolution of the Board of Finance with the consent of all of the holders of the Notes.

Any resolution or resolutions adopted by the Board of Finance pursuant to this Ordinance shall be deemed to be of an administrative nature.

SEC. 6. *And be it further ordained*, That the City hereby covenants that (i) it will pay the interest on and principal of the Notes, to the extent not paid from proceeds of the Notes, from the proceeds of the Revenue Bonds or the General Obligation Bonds, as the case may be, and (ii) it will issue the Revenue Bonds or General Obligation Bonds when, and as soon as, the reason for deferring their issuance no longer exists; but in any event, in sufficient time to permit the payment of the Notes at maturity or extended maturity.

SEC. 7. *And be it further ordained*, That the City and the purchasers of the Notes recognize the possibility, but do not anticipate, that the City may be unable to issue the Revenue Bonds or the General Obligation Bonds in sufficient time to provide for payment of the interest on and the principal of the Notes at or prior to their maturity or extended maturity. The City hereby covenants that in such event the City will levy *ad valorem* taxes upon each one hundred dollars (\$100.00) of property within the corporate limits of the City of Baltimore subject to assessment for full City Taxes, at a rate sufficient to provide for the payment, when due, of the principal of and interest on all Notes.

To assure the performance by the City of the provisions of this Section, the full faith and credit and unlimited taxing power of the City are hereby irrevocably pledged to the payment at maturity of the principal of and interest on the Notes hereby authorized and to the levy and collection of the taxes hereinabove described as and when such taxes may become necessary in order to provide sufficient funds to meet the debt service requirements of the Notes hereby authorized to be issued; this pledge is made hereby for the benefit of the holders, from time to time, of the Notes hereby authorized.

The City hereby solemnly covenants and agrees with each holder of any of the Notes hereby authorized to levy and collect the taxes hereinabove described and to take any other action that may be appropriate from time to time during the period that any of such Notes remain outstanding and unpaid to provide the funds necessary to make principal and interest payments thereon, when due.

SEC. 8. *And be it further ordained*, That all Notes shall be executed in the name of the Mayor and City Council of Baltimore and on its behalf by the manual or facsimile signature of the Mayor of the City and the Director of Finance of the City and the corporate seal of the City shall be imprinted thereon, attested by the manual signature of the Custodian of the Seal of the City.

In the event any official whose signature shall appear on any series of the Notes shall cease to be such official

prior to the delivery of any series of Notes, or, in the event any such official whose signature shall appear on any series of Notes shall have become such after the date of issue thereof, the Notes of such series shall nevertheless be valid and legally binding obligations of the City in accordance with their terms.

The Notes shall be fully registered as to both principal and interest in the name or names of the owner or owners thereof on books kept for such purpose at the office of the Director of Finance of the City, City Hall, Baltimore, Maryland 21202. The principal of the Notes shall be payable at the principal office of the Chase Manhattan Bank of New York , UNLESS A DIFFERENT PLACE OF PAYMENT IS ESTABLISHED BY RESOLUTION OF THE BOARD OF FINANCE. The interest on the Notes shall be payable by the City by check or draft mailed to the registered owners thereof at their respective addresses as they appear on the Note registration books of the City. If a determination is made by the Board of Finance to sell all or a portion of the Notes at competitive sale, the Notes may be coupon notes payable at such place and in such manner as provided by the Board of Finance in the resolution making such determination.

Except as provided hereinafter or in ordinances or resolutions of the Mayor and City Council of Baltimore adopted prior to the issuance and delivery of any series of Notes, or in resolutions of the Board of Finance (to the extent authorized by this Ordinance), all notes shall be substantially in the following form, with appropriate insertions as therein indicated, which form is hereby adopted by the City, and all of the covenants and conditions therein contained are hereby made binding upon the City, including the promise to pay therein contained:

UNITED STATES OF AMERICA  
STATE OF MARYLAND  
MAYOR AND CITY COUNCIL OF BALTIMORE

Construction Revenue Notes  
(Water and Wastewater Projects)

No.....

\$5,000

Dated.....



MAYOR AND CITY COUNCIL OF BALTIMORE (the "City"), a municipal corporation organized and existing under the Constitution and laws of the State of Maryland, hereby acknowledges itself indebted and, for value received, promises to pay to....., or registered assigns or legal representative, the principal sum of

FIVE THOUSAND DOLLARS

ON.....

(or at such time as hereinafter provided) upon presentation and surrender of this note and to pay interest thereon, from the date of this note until it matures at the rate or rates hereinafter specified on....., 19...., and semi-annually thereafter on the.....days of .....and.....in each year by check or draft mailed to registered owner hereof at his address as it appears on the registration books of the Director of Finance of the City, Note Registrar.

Both the principal of and interest on this bond will be paid in lawful money of the United States of America, at the time of payment. The principal of this note shall be payable upon presentation hereof at the principal office of Chase Manhattan Bank, New York, New York.

This note shall be registered by the City upon the initial delivery hereof, in the name of the initial registered owner, as shown in the space provided above and on the registration books kept for that purpose at the office of the Note Registrar and, thereafter, this note shall be transferable only by endorsement hereon by the Director of Finance of the City to successive registered owners and no such transfer shall be valid unless made on the registration books by the registered owner hereof in person or by his attorney duly authorized. Payment of this note and the interest hereon shall be made only to the person shown hereon and on said books to be the registered owner hereof on the date such payment is due.

This note is one of a duly authorized issue of series of notes of the City aggregating \$.....(\$.....) in principal amount, which are of the denomination of Five Thousand Dollars (\$5,000) each. These notes are

numbered from one consecutively upwards and are of like tenor except as to number and are issued pursuant to Article 31, Section 12 of the Annotated Code of Maryland (1976 Replacement Volume and 1980 Cumulative Supplement) (the "Bond Anticipation Note Enabling Act") and in anticipation of the issuance and sale of the City's bonds, authorized pursuant to either (i) Article II, Section 50 of the Charter of Baltimore City (1964 Revision), as amended (the "Revenue Bond Enabling Act") or (ii) ~~Chapter 128 of the Laws of Maryland of 1971 and Ordinance 1098 of the City, approved by the Mayor on June 24, 1971, ratified by the voters of Baltimore City on November 2, 1971; Chapter 141 of the Laws of Maryland of 1972 and Ordinance 76 of the City, approved by the Mayor on June 15, 1972, ratified by the voters of Baltimore City on November 7, 1972; Chapter 73 of the Laws of Maryland of 1978, and Ordinance No. 785 of the City, approved by the Mayor on June 26, 1978, ratified by the voters of Baltimore City on November 7, 1978; Chapter 9 of the Laws of Maryland of 1979 and Ordinance No. 1031 of the City, approved by the Mayor on May 24, 1979, ratified by the voters on November 6, 1979; and Chapter 13 of the Laws of Maryland of 1979 and Ordinance No. 82 of the City, approved by the Mayor on June 9, 1980, ratified by the voters on November 4, 1980 (the "General Obligation Bond Enabling Acts").~~

The City has covenanted to issue revenue Bonds pursuant to the Revenue Bond Enabling Act or general obligation bonds pursuant to the General Obligation Bond Enabling Acts in an amount sufficient to pay, when due, the principal of and interest on this note. The City has covenanted that in the event it is unable to issue its bonds pursuant to either the Revenue Bond Enabling Act or the General Obligation Bond Enabling Acts to pay the principal of and interest on this note, the City will levy *ad valorem* taxes in an amount sufficient to provide, together with any other funds available for the purpose, for the payment of the principal of and interest on this note when due.

It is hereby certified and recited that all conditions, acts and things required by the Constitution or statutes of the State of Maryland, the Charter of the City and the

Bond Anticipation Note Enabling Act to exist, to have happened or to have been performed precedent to or in the issuance of this note, exist, have happened and have been performed, and that the issue of notes of which this is one, together with all other indebtedness of the City, is within every debt and other limit prescribed by said Constitution or statutes or Charter.

IN WITNESS WHEREOF, this note has been executed by the manual or facsimile signatures of the Mayor of the City and the Director of Finance of the City, and the corporate seal of the City has been impressed hereon, attested by the manual signature of the Custodian of the City Seal, all as of the ....day of....., 19.....

ATTEST

MAYOR AND CITY COUNCIL  
OF BALTIMORE

..... By.....  
Custodian of the City Seal Mayor

By.....  
Director of Finance

In the event the Board of Finance determines to offer all or any part of the Notes for sale at competitive sale as authorized by this Ordinance or in the event bond market conditions or other considerations relevant to the sale of the Notes are determined by the Board of Finance to make such action necessary or appropriate, the Board of Finance may provide by resolution that the Notes may be issued in bearer coupon form and may make such changes in the foregoing form of registered Note as the Board of Finance may determine to be appropriate to implement such determination, including (without limitation) providing the form of coupon to be attached to the Notes.

SEC. 9. *And be it further ordained*, That, pursuant to the authority of the Bond Anticipation Note Enabling Act, it is hereby determined that considering the nature and the maturity of the Notes, present bond market conditions, the identity of prospective purchasers indicating an interest in purchasing the Notes and other relevant considerations arising from current economic conditions, it would be in the best interests of the City to sell the entire author-



ized principal amount of the Notes at private (negotiated) sale; however, current bond market conditions including (without limitation) substantial, rapid variations in interest rates and the present overall record high level of interest rates indicate bond market conditions which could change rapidly so that, at some subsequent time, it might better serve the interests of the City to offer and sell the Notes, either in whole or in part, at competitive sale; taking these factors into account, the City has determined to authorize, and does hereby authorize, the Board of Finance (i) to sell ~~approximately \$22,000,000 aggregate principal amount~~ A PORTION of the Notes at private (negotiated) sale, (ii) to sell the remaining principal amount of the Notes at private (negotiated) sale or at competitive sale, if the Board of Finance finds and determines that market conditions at the time of the sale of the Notes (including without limitation, the availability of interested prospective purchasers to negotiate for a purchase of the Notes) to sell such balance at competitive sale, or (iii) to sell the entire amount of the Notes at competitive sale, if the Board of Finance finds and determines that such bond market conditions existing at the time of sale then indicate that a competitive sale would be in the best interests of the City. The Board of Finance shall, by resolution award the sale of any series of Notes to the purchaser or purchasers thereof. IN CONNECTION WITH SUCH AWARD, THE CITY IS AUTHORIZED TO ENTER INTO A PURCHASE CONTRACT, LOAN AGREEMENT OR OTHER DOCUMENT EVIDENCING THE AGREEMENT OF THE CITY AND THE PURCHASER OR PURCHASERS OF THE NOTES WHICH DOCUMENT (I) MAY CONTAIN SUCH COVENANTS AND ASSURANCES DEEMED NECESSARY OR APPROPRIATE IN CONNECTION WITH SUCH AWARD AND (II) SHALL BE APPROVED BY THE BOARD OF FINANCE IN THE RESOLUTION AWARDED THE SALE OF THE NOTES.

The Notes of each series shall be suitably prepared and duly executed and delivered to the purchaser or purchasers at the expense of the City, from time to time, as determined by resolution of the Board of Finance, upon payment of the face amount of the series of Notes plus accrued

interest from the date of the series of Notes to the date of delivery. Such payment shall be made in Baltimore Clearinghouse Funds by certified check upon, or bank cashier's, treasurer's or official check of, a responsible banking institution.

SEC. 10. *And be it further ordained*, That, the proceeds from the sale of the Notes shall be paid to the Director of Finance, who shall deduct from the proceeds of the issue the amount, if any, paid on account of accrued interest on such series, which amount he shall set apart for payment on account of the first maturing interest on the Notes of such series.

Upon approval of the appropriate vouchers, in accordance with the established procedure of the City, the Director of Finance shall pay, from the proceeds of each series of Notes in his hands, all expenses incurred in the issuance of such series of Notes, including, without limitation, costs of engraving, printing, advertising, attorneys' fees and all other incidental expenses connected therewith.

The Director of Finance shall credit to a special account on his books the amount, if any, of the proceeds of each series of Notes designated as capitalized interest on such series of Notes.

The balance of the proceeds of each series of Notes shall be credited by the Director of Finance to the several accounts on his books for the Projects described above and the Director of Finance shall make disbursements for said Projects in accordance with the established procedure of the City.

Prior to expenditure of said proceeds, the same or any part thereof may be invested by the Director of Finance, with the approval of the Mayor, and within any limitation and in the manner provided by law. Such investment shall be made, however, in securities which will have dates of maturity coinciding with, or prior to, the dates upon which funds will be required for the Project.

If the funds derived from the sale of the Notes shall exceed the amount needed to finance the Projects described

in this Ordinance, or if the City shall determine that the public interest requires a change in the capital improvements program of the City, the funds so borrowed and not expended for the public improvements provided by this Ordinance shall be set apart in a separate fund by the Director of Finance and applied in payment of the next principal maturity of the Notes unless the Board of Finance shall adopt a resolution (which shall contain provisions substantially the same as those set forth in Section 1 of this Ordinance) allocating such funds to some other water or wastewater capital improvement project or projects of Baltimore City, if then allowed by law.

SEC. 11. *And be it further ordained*, That, the Director of Finance of the City is hereby authorized to make such changes in the form of Note set forth in Section 7 8 hereof as he shall deem necessary to effect the purposes of this Ordinance or to comply with recommendations of legal counsel, and the Director of Finance is hereby authorized to make such further modifications in such form as will not alter the substance of such form, all such modifications to be in accordance with and pursuant to the authority of the Bond Anticipation Note Enabling Act.

SEC. 12. *And be it further ordained*, That, the Mayor and the Chief, Bureau of Treasury Management shall be the officers of the City responsible for the issuance of the Notes within the meaning of Section 1.103-13(a)(2)(ii)(C) of the Arbitrage Regulations (defined herein). The Mayor and the Chief, Bureau of Treasury Management shall also be the officers of the City responsible for the execution and delivery (on the date of issuance of each series of Notes) of a certificate of the City (the "Section 103(c) Certificate") which complies with the requirements of Section 103(c) of the Internal Revenue Code of 1954, as amended ("Section 103(c)") and the applicable regulations thereunder (the "Arbitrage Regulations"), and such officials are hereby authorized and directed to execute the Section 103(c) Certificate and to deliver the same to Bond Counsel ~~of~~ ON the date of the issuance of each series of Notes.

The City shall set forth in the Section 103(c) Certificate its reasonable expectations as to relevant facts, estimates



and circumstances relating to the use of the proceeds of the series of Notes, or of any monies, securities or other obligations to the credit of any account of the City which may be deemed to be proceeds of the series of Notes pursuant to Section 103(c) or the arbitrage regulations (collectively, "Note Proceeds"). The City covenants with each of the holders of any of the Notes that (i) the facts, estimates and circumstances set forth in the Section 103(c) Certificate will be based on the City's reasonable expectations on the date of issuance of the series of Notes and will be, to the best of the certifying officials' knowledge, true and correct, as of that date.

The City covenants with each of the holders of any of the Notes that it will not make, or (to the extent that it exercises control or direction) permit to be made, any use of the Note Proceeds which would cause the Notes to be "arbitrage bonds" within the meaning of Section 103(c) and the Arbitrage Regulations. The City further covenants that it will comply with Section 103(c) of the Internal Revenue Code of 1954, as amended, and the regulations thereunder which are applicable to the notes on the date of issuance of the notes and which may subsequently lawfully be made applicable to the Notes.

SEC. 13. *And be it further ordained*, That, the provisions of this ordinance are severable, and if any provision, sentence, clause, section or part hereof is held illegal, invalid or unconstitutional or inapplicable to any person or circumstances, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this ordinance or its application to other persons or circumstances. It is hereby declared to be the legislative intent that this ordinance would have been adopted if such illegal, invalid or unconstitutional provision, sentence, clause, section or part had not been included herein, and if the person or circumstances to which this ordinance or any part thereof is inapplicable had been specifically exempted herefrom.

SEC. 14. *And be it further ordained*, That, this ordinance shall take effect from the date of its passage.

Approved May 14, 1981.

WILLIAM DONALD SCHAEFER, *Mayor*.

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No. 292

(Council No. 467)

AN ORDINANCE concerning

HOUSING AUTHORITY AGREEMENT

FOR the purpose of authorizing and approving the acquisition of an additional 300 dwelling units to be developed exclusively through the rehabilitation of vacant houses.

BY amending the extension of the Cooperation Agreement entered into by and between the Mayor and City Council and the Housing Authority of Baltimore City approved by Ordinance No. 1077, approved March 20, 1950.

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That notwithstanding the provisions of Sections 1 and 3A of Ordinance No. 1077, approved March 20, 1950, the Mayor and City Council do approve and authorize the extension of the Cooperation Agreement entered into by and between the Mayor and City Council of Baltimore and the Housing Authority of Baltimore City, a body corporate, on March 29, 1950, approved by Ordinance No. 1077, approved March 20, 1950, as amended by Amendatory Agreement of July 30, 1958, approved by Ordinance No. 1571, approved July 3, 1958, and as further amended and extended from time to time, in all its applicable terms, covenants and conditions to a low-rent housing project comprising not more than three hundred (300) dwelling units; provided, however, that all dwelling units of such low-rent housing project shall be developed through the rehabilitation of vacant houses.

SEC. 2. *And be it further ordained*, That any and all laws, ordinances and resolutions and any and all parts of

any and all laws, ordinances and resolutions in force in the City of Baltimore, inconsistent with the provisions of this ordinance, are hereby declared not to be applicable to the provisions of this ordinance.

SEC. 3. *And be it further ordained*, That this ordinance shall take effect from the date of its passage.

Approved May 14, 1981.

WILLIAM DONALD SCHAEFER, *Mayor*.

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No. 293

(Council No. 476)

AN ORDINANCE concerning

CITY PROPERTY—SALE

FOR the purpose of authorizing the Mayor and City Council of Baltimore to sell either at public or private sale all the interest of the Mayor and City Council of Baltimore in and to a certain parcel of land no longer needed for public use located at 6800 Eastern Avenue.

BY authority of

Article V—Comptroller

Section 5(b)

Baltimore City Charter (1964 Revision, as amended)

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That the Comptroller of Baltimore City be and he is hereby authorized to sell at either public or private sale in accordance with Article V, Section 5(b) of the City Charter, all of the interest of the Mayor and City Council of Baltimore in and to this parcel of land situate in Baltimore, Maryland, and described as follows:

| Address           | Ward | Section | Block | Lot |
|-------------------|------|---------|-------|-----|
| 6800 Eastern Ave. | 26   | 17      | 6354  | 1   |

Said property being no longer needed for public use.



SEC. 2. *And be it further ordained*, That no deed or deeds shall pass in accordance herewith until the same shall have been first approved by the City Solicitor.

SEC. 3. *And be it further ordained*, That this ordinance shall take effect from the date of its passage.

Approved May 14, 1981.

WILLIAM DONALD SCHAEFER, *Mayor*.

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No. 294

(Council No. 548)

AN ORDINANCE concerning

BUILDING CODE WAIVER  
CONFERENCE ROOM, INC.

FOR the purpose of waiving a provision of the Building Code to permit construction and maintenance of six columns for a canopy (canopy 11' x 48') for the improvements known as 39 South Street into the adjoining sidewalk area on Lombard Street.

BY waiving

Article 32—Building Code

Paragraph 2135

Baltimore City Code (1976 Edition, as amended)

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That Paragraph 2135 of Article 32 of the Baltimore City Code (1976 Edition, as amended), said article being known generally as the Building Code of Baltimore City, be waived in order to permit the construction and maintenance of six columns for a canopy (canopy 11' x 48') for the improvements known as 39 South Street into the adjoining sidewalk area on Lombard Street. Except as in this ordinance specifically ~~proved~~ PROVIDED, all ordinances and all rules and regulations of the Mayor and City Council of Baltimore shall be complied with in the construction and use of said canopy.

SEC. 2. *And be it further ordained*, That this ordinance shall take effect from the date of its passage.

Approved May 14, 1981.

WILLIAM DONALD SCHAEFER, *Mayor*.

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No. 295

(Council No. 496)

AN ORDINANCE concerning

ZONING—APPROVAL FOR CONDITIONAL USE  
PARKING LOT

FOR the purpose of granting permission for the establishment, maintenance and operation of an open off-street parking area on the property located at 300-310 Worsley Street as outlined in red on the plats accompanying this ordinance.

BY authority of

Article 30—Zoning

Sections 4.9-1d and 11.0-6d

Baltimore City Code (1976 Edition, as amended)

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That permission is hereby granted for the establishment, maintenance and operation of an open off-street parking area on the property located at 300-310 Worsley Street as outlined in red on the plats accompanying this ordinance, under the provisions of Sections 4.9-1d and 11.0-6d of Article 30 of the Baltimore City Code (1976 Edition, as amended) title “Zoning”.

SEC. 2. *And be it further ordained*, That upon passage of this ordinance by the City Council, as evidence of the authenticity of the plat which is a part hereof and in order to give notice to the departments which are administering the Zoning Ordinance, the President of the City Council shall sign the plat and when the Mayor approves the ordinance, he shall sign the plat. The Director of Finance shall

then transmit a copy of the ordinance and one of the plats to the following: the Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of the Department of Housing and Community Development and the Zoning Administrator.

SEC. 3. *And be it further ordained*, That this ordinance shall take effect thirty days from the date of its passage.

Approved May 18, 1981.

WILLIAM DONALD SCHAEFER, *Mayor*.

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No. 296

(Council No. 409)

AN ORDINANCE concerning

CITY PROPERTY—SALE

FOR the purpose of authorizing the Mayor and City Council of Baltimore to sell either at public or private sale all the interest of the Mayor and City Council of Baltimore in and to certain parcels of land no longer needed for public use located in Block 7696, Lot 6A and portion of Lot 7.

BY authority of  
Article V—Comptroller  
Section 5(b)  
Baltimore City Charter (1964 Revision as amended)

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That the Comptroller of Baltimore City be and he is hereby authorized to sell at either public or private sale in accordance with Article V, Section 5(b) of the City Charter, all of the interest of the Mayor and City Council of Baltimore in and to that parcel of land situate in Baltimore, Maryland, and described as follows:

BEGINNING for the same at the point formed by the intersection of the southwest side of Edgewood Street, 60



feet wide, and the Right of Way Line of Interstate Route No. 95, and running thence binding on said Right of Way line, Southerly 114 feet, more or less; thence continuing to bind on said Right of Way Line and on the second line of the first parcel of land conveyed by Southwest Associates to the Mayor and City Council of Baltimore by deed dated September 7, 1978 and recorded among the Land Records of Baltimore City in Liber R.H.B. No. 3674 Folio 407, Southerly 30 feet, more or less; thence binding on the third and last lines of the first parcel of land described in said deed the two following courses and distances; namely, Southwesterly 63 feet, more or less, and Northwesterly 25.00 feet to the southeast outline of a parcel of land designated as Lot 352 as shown on the plat of "Caton Heights", recorded among the said Land Records in Plat Book S.C.L. No. 4, Folio 84 and 85, conveyed by Katherine M. Schmelyun to the Mayor and City Council of Baltimore by deed dated August 28, 1969 and recorded among said Land Records in Liber R.H.B. No. 2558, Folio 305; thence binding in part on the southwest outline of said Lot 352, in part on the southwest outline of Lot 353 as shown on said Plat and conveyed in last said deed and in all, reversely on the fourth line of a parcel of land conveyed by Katherine M. Schmelyun to R and J Associates "Etal" by deed dated April 17, 1979 and recorded among the said Land Records in Liber W.A. 3756, Folio 415, Northwesterly 100 feet; thence binding on the northwest side of said Lot 353 and reversely on the third line of last said deed, Northeasterly 140 feet, more or less, to the southwest side of said Edgewood Street, and thence binding on the southwest side of said Edgewood Street, Southeasterly 4 feet, more or less, to the place of beginning.

SUBJECT to a 20 foot easement contiguous to the second line of this description AND SUBJECT TO A 25 FOOT RIGHT-OF-WAY THROUGH THESE LOTS FOR THE CONSTRUCTION OF A PROPOSED SANITARY SEWER WHICH IS TO INTERCEPT THE SANITARY SYSTEM FLOWING TO THE EXISTING PUMPING STATION ON BENSON AVENUE WEST OF HAVERHILL AVENUE.

Said property being no longer needed for public use.

SEC. 2. *Be it further ordained*, That no deed or deeds shall pass in accordance herewith until the same shall have been first approved by the City Solicitor.

SEC. 3. *And be it further ordained*, That this ordinance shall take effect from the date of its passage.

Approved May 21, 1981.

WILLIAM DONALD SCHAEFER, *Mayor*.

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No. 297

(Council No. 410)

AN ORDINANCE concerning

CITY PROPERTY—SALE

FOR the purpose of authorizing the Mayor and City Council of Baltimore to sell either at public or private sale all of the interest of the Mayor and City Council of Baltimore in and to certain parcels of land and improvements no longer needed for public use located in the bed of Broening Highway, 80 feet wide, from Keith Avenue, southerly and southeasterly in the vicinity of Colgate Creek.

BY authority of  
Article V—Comptroller  
Section 5(b)  
Baltimore City Charter (1964 Revision, as amended)

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That the Comptroller of Baltimore City be and he is hereby authorized to sell at either public or private sale in accordance with Article V, Section 5(b) of the City Charter, all of the interest of the Mayor and City Council of Baltimore in and to that parcel of land situate in Baltimore, Maryland, and described as follows:

Beginning for Parcel No. 1 at the point formed by the intersection of the east side of Broening Highway, as now

laid out 80 feet wide and the southeast side of Ramp A, 48 feet wide, of Broening Highway as realigned and widened and running thence binding on the east side of Broening Highway mentioned firstly herein, South  $02^{\circ}-53'-00''$  East 564.68 feet; thence binding on the north, east and south sides of Broening Highway, as realigned and widened, the twenty-one following courses and distances; namely, South  $82^{\circ}-52'-20''$  West 1.60 feet, by a line curving to the right with a radius of 635.02 feet the distance of 46.11 feet which arc is subtended by a chord bearing North  $04^{\circ}-57'-26''$  West 46.10 feet, North  $02^{\circ}-52'-37''$  West 110.77 feet, North  $87^{\circ}-07'-23''$  East 2.00 feet, North  $02^{\circ}-52'-37''$  West 2.00 feet, South  $87^{\circ}-07'-23''$  West 2.00 feet, North  $02^{\circ}-52'-37''$  West 17.00 feet, North  $87^{\circ}-07'-23''$  East 2.00 feet, North  $02^{\circ}-52'-37''$  West 2.00 feet, South  $87^{\circ}-07'-23''$  West 2.00 feet, North  $02^{\circ}-52'-37''$  West 131.00 feet, North  $87^{\circ}-07'-23''$  East 2.00 feet, North  $02^{\circ}-52'-37''$  West 2.00 feet, South  $87^{\circ}-07'-23''$  West 2.00 feet, North  $02^{\circ}-52'-37''$  West 132.00 feet, North  $87^{\circ}-07'-23''$  East 2.00 feet, North  $02^{\circ}-52'-37''$  West 2.00 feet, South  $87^{\circ}-07'-23''$  West 2.00 feet, North  $02^{\circ}-52'-37''$  West 97.92 feet, North  $87^{\circ}-07'-23''$  East 1.99 feet and by a line curving to the right with a radius of 200.64 feet the distance of 22.07 feet which arc is subtended by a chord bearing North  $00^{\circ}-16'-29''$  East 22.06 feet to the place of beginning.

Beginning for Parcel No. 2 at a point on the east side of Broening Highway, as now laid out 80 feet wide, said point of beginning being distant 2.00 feet southerly measured along said east side of Broening Highway from the southernmost extremity of Parcel No. 1 and running thence binding on said east side of Broening Highway, South  $02^{\circ}-53'-00''$  East 16.37 feet to intersect the east side of Broening Highway as realigned and widened and thence binding on the east and south sides of last said Broening Highway the two following courses and distances; namely, by a line curving to the right with a radius of 635.02 feet the distance of 16.33 feet which arc is subtended by a chord bearing North  $07^{\circ}-57'-16.5''$  West 16.33 feet and North  $82^{\circ}-52'-20''$  East 1.45 feet to the place of beginning.

Beginning for Parcel No. 3 at a point on the west side of Broening Highway, as now laid out 80 feet wide, said point of beginning being distant 1,192.59 feet southerly



measured along said west side of Broening Highway from the north outline of Western Electric Co., Inc. property known as No. 2500 Broening Highway, said point of beginning also being the intersection of said west side of Broening Highway and the southwest side of Broening Highway as realigned and widened and running thence binding on the west side of Broening Highway mentioned firstly herein, by a line curving to the left with a radius of 411.50 feet the distance of 60.38 feet which arc is subtended by a chord bearing South  $14^{\circ}-12'-04''$  East 60.33 feet to intersect the northwest side of Broening Highway as realigned and widened and thence binding on the northwest and southwest sides of last said Broening Highway, the two following courses and distances; namely, North  $72^{\circ}-27'-46''$  East 0.90 feet and by a line curving to the right with a radius of 719.02 feet the distance of 60.30 feet which arc is subtended by a chord bearing North  $15^{\circ}-03'-18''$  West 60.28 feet to the place of beginning.

Beginning for Parcel No. 4 at a point on the southwest side of Broening Highway, as now laid out 80 feet wide, said point of beginning being distant 2.00 feet southeasterly measured along said southwest side of Broening Highway from the southeasternmost extremity of Parcel No. 3 and running thence binding on said southwest side of Broening Highway by a line curving to the left with a radius of 411.50 feet the distance of 26.64 feet which arc is subtended by a chord bearing South  $20^{\circ}-32'-16''$  East 26.63 feet to intersect the southwest side of Broening Highway as realigned and widened and thence binding on the southwest and southeast sides of last said Broening Highway the two following courses and distances; namely, by a line curving to the right with a radius of 719.02 feet the distance of 26.60 feet which arc is subtended by a chord bearing North  $18^{\circ}-40'-37''$  West 26.60 feet and South  $72^{\circ}-27'-46''$  West 0.87 feet to the place of beginning.

Beginning for Parcel No. 5 at a point on the northeast side of Broening Highway, as now laid out 80 feet wide, said point of beginning being distant 168.09 feet southeasterly measured along said northeast side of Broening Highway from the southernmost extremity of Parcel No. 2, said point of beginning also being the intersection of said northeast side of Broening Highway and the north-

east side of Broening Highway as realigned and widened and running thence binding on the northeast side of Broening Highway mentioned firstly herein, South  $29^{\circ}-11'-28''$  East 151.83 feet to intersect the northeast side of Broening Highway as realigned and widened and thence binding on the northeast, southeast and northwest sides of Broening Highway as realigned and widened the six following courses and distances; namely, by a line curving to the right with a radius of 1,467.11 feet the distance of 78.65 feet which arc is subtended by a chord bearing North  $31^{\circ}-14'-35''$  West 78.64 feet, North  $60^{\circ}-19'-55''$  East 2.00 feet, North  $29^{\circ}-40'-05''$  West 2.00 feet, South  $60^{\circ}-19'-55''$  West 2.00 feet, by a line curving to the right with a radius of 1,467.11 feet the distance of 10.75 feet which arc is subtended by a chord bearing North  $29^{\circ}-25'-09.5''$  West 10.75 feet and by a line curving to the right with a radius of 635.02 feet the distance of 60.58 feet which arc is subtended by a chord bearing North  $26^{\circ}-28'-35''$  West 60.56 feet to the place of beginning.

Beginning for Parcel No. 6 at a point on the southwest side of Broening Highway, as now laid out 80 feet wide, said point of beginning being distant 263.79 feet southeasterly measured along said southwest side of Broening Highway from the southeasternmost extremity of Parcel No. 4, said point of beginning also being the intersection of said southwest side of Broening Highway and southwest side of Broening Highway as realigned and widened and running thence binding on the southwest, northwest and southeast sides of Broening Highway as realigned and widened the eighteen following courses and distances; namely, by a line curving to the left with a radius of 1,551.11 feet the distance of 80.64 feet which arc is subtended by a chord bearing South  $36^{\circ}-04'-36''$  East 80.64 feet, South  $52^{\circ}-23'-49''$  West 2.00 feet, South  $37^{\circ}-36'-11''$  East 2.00 feet, North  $52^{\circ}-23'-49''$  East 2.00 feet, by a line curving to the left with a radius of 1,551.11 feet the distance of 120.31 feet which arc is subtended by a chord bearing South  $39^{\circ}-51'-43.5''$  East 120.28 feet, South  $47^{\circ}-52'-44''$  West 2.00 feet, South  $42^{\circ}-07'-16''$  East 2.00 feet, North  $47^{\circ}-52'-44''$  East 2.00 feet, by a line curving to the left with a radius of 1,551.11 feet the distance of 116.20 feet which arc is subtended by a chord bearing South  $44^{\circ}-$

18'-15" East 116.17 feet, South 43°-30'-46" West 2.00 feet, South 46°-29'-14" East 2.00 feet, North 43°-30'-46" East 2.00 feet, by a line curving to the left with a radius of 1,551.11 feet the distance of 118.26 feet which arc is subtended by a chord bearing South 48°-42'-30" East 118.23 feet, South 39°-04'-14" West 2.00 feet, South 50°-55'-46" East 2.00 feet, North 39°-04'-14" East 2.00 feet, by a line curving to the left with a radius of 1,551.11 feet the distance of 91.05 feet which arc is subtended by a chord bearing South 52°-38'-53" East 91.04 feet and South 54°-19'-47" East 146.47 feet to intersect the southwest side of Broening Highway, as now laid out 80 feet wide and thence binding on the southwest sides of last said Broening Highway the three following courses and distances; namely, North 55°-29'-56" West 360.21 feet, by a line curving to the right with a radius of 411.50 feet the distance of 188.94 feet which arc is subtended by a chord bearing North 42°-20'-42" West 187.29 feet and North 29°-11'-28" West 140.37 feet to the place of beginning.

Beginning for Parcel No. 7 at a point on the southwest side of Broening Highway, as now laid out 80 feet wide, said point of beginning being distant 231.49 feet southeasterly measured along said southwest side of Broening Highway from the southeasternmost extremity of Parcel No. 6, said point of beginning also being the intersection of said southwest side of Broening Highway and the southwest side of Broening Highway as realigned and running thence binding on the southwest, northwest and southeast sides of Broening Highway as realigned the seventeen following courses and distances; namely, by a line curving to the left with a radius of 405.00 feet the distance of 20.25 feet which arc is subtended by a chord bearing South 64°-31'-15.5" East 20.25 feet, by a line curving to the right with a radius of 395.00 feet the distance of 72.24 feet which arc is subtended by a chord bearing South 60°-42'-51.5" East 72.14 feet, South 55°-28'-31" East 9.43 feet, South 34°-31'-29" West 2.00 feet, South 55°-28'-31" East 2.00 feet, North 34°-31'-29" East 2.00 feet, South 55°-28'-31" East 201.00 feet, South 34°-31'-29" West 2.00 feet, South 55°-28'-31" East 2.00 feet, North 34°-31'-29" East 2.00 feet, South 55°-28'-31" East 301.00 feet, South 34°-31'-29" West 2.00 feet, South 55°-28'-31" East 2.00 feet,



North  $34^{\circ}-31'-29''$  East 2.00 feet, South  $55^{\circ}-28'-31''$  East 7.60 feet, by a line curving to the left with a radius of 1,642.02 feet the distance of 224.82 feet which arc is subtended by a chord bearing South  $59^{\circ}-23'-51.5''$  East 224.64 feet and South  $26^{\circ}-31'-11''$  West 4.88 feet to the southwest side of Broening Highway, as now laid out 80 feet wide and thence binding on the southwest sides of last said Broening Highway the two following courses and distances; namely, North  $63^{\circ}-16'-10''$  West 147.83 feet and North  $55^{\circ}-29'-56''$  West 695.20 feet to the place of beginning.

Beginning for Parcel No. 8 at a point on the northeast side of Broening Highway, as now laid out 80 feet wide, said point of beginning being distant 1,422.32 feet southeasterly measured along said northeast side of Broening Highway from the southeasternmost extremity of Parcel No. 5, said point of beginning also being the intersection of said northeast side of Broening Highway and the northeast side of Broening Highway as realigned and running thence binding on the northeast sides of Broening Highway as now laid out 80 feet wide, the two following courses and distances; namely, South  $55^{\circ}-29'-56''$  East 205.88 feet and South  $63^{\circ}-16'-10''$  East 142.23 feet and thence binding on the northwest and northeast sides of Broening Highway as realigned the four following courses and distances; namely, South  $26^{\circ}-47'-22''$  West 7.12 feet, by a line curving to the right with a radius of 1,574.02 feet the distance of 215.51 feet which arc is subtended by a chord bearing North  $59^{\circ}-23'-51.5''$  West 215.34 feet, North  $55^{\circ}-28'-31''$  West 95.27 feet and by a line curving to the right with a radius of 295.00 feet the distance of 37.74 feet which arc is subtended by a chord bearing North  $51^{\circ}-48'-35.5''$  West 37.72 feet to the place of beginning.

All courses and distances in the above descriptions are referred to the true meridian as adopted by the Baltimore Survey Control System.

**SUBJECT TO RETENTION OF RIGHTS-OF-WAY  
OVER THREE EXISTING STORM WATER DRAINS  
AS SHOWN ON THE PLATS FILED IN THE COUNCIL  
BILL FILE.**

Said property being no longer needed for public use.

SEC. 2. *Be it further ordained*, That no deed or deeds shall pass in accordance herewith until the same shall have been first approved by the City Solicitor.

SEC. 3. *And be it further ordained*, That this ordinance shall take effect from the date of its passage.

Approved May 21, 1981.

WILLIAM DONALD SCHAEFER, *Mayor*.

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No. 298

(Council No. 435)

AN ORDINANCE concerning

CITY PROPERTY—SALE

FOR the purpose of authorizing the Mayor and City Council of Baltimore to sell either at public or private sale all the interest of the Mayor and City Council of Baltimore in and to a certain parcel of land and improvements no longer needed for public use located in Block 3257, Lot 4 and known as Public School No. 18.

BY authority of

Article V—Comptroller

Section 5(b)

Baltimore City Charter (1964 Revision as amended)

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That the Comptroller of Baltimore City be and he is hereby authorized to sell at either public or private sale in accordance with Article V, Section 5(b) of the City Charter, all of the interest of the Mayor and City Council of Baltimore in and to a certain parcel of land and improvements situate in Baltimore, Maryland, and described as follows:

BEGINNING for the same at the point formed by the intersection of the southeast side of Druid Park Drive, as now laid out 80 feet wide, and the southwest side of

Towanda Avenue, as now laid out 60 feet wide, and running thence binding on the southwest side of said Towanda Avenue, Southeasterly 458 feet, more or less, to intersect the center line of the former bed of an alley, 15 feet wide, as condemned and closed; thence binding on the center line of the former bed of said alley, Southwesterly 546 feet, more or less, to intersect a northeast outline of the property known as No. 3001 Druid Park Drive; thence binding on said northeast outline of said property, Northwesterly 465 feet, more or less, to the southeast side of said Druid Park Drive and thence binding on the southeast side of said Druid Park Drive the two following courses and distances; namely, Northeasterly by a line curving to the left with a radius of 4487.30 feet the distance of 254 feet, more or less, and Northeasterly 292 feet, more or less, to the place of beginning, being Block 3257, Lot 4 and known as Public School No. 18.

Said property being no longer needed for public use.

SEC. 2. *Be it further ordained*, That no deed or deeds shall pass in accordance herewith until the same shall have been first approved by the City Solicitor.

SEC. 3. *And be it further ordained*, That this ordinance shall take effect from the date of its passage.

Approved May 21, 1981.

WILLIAM DONALD SCHAEFER, *Mayor*.

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No. 299

(Council No. 436)

AN ORDINANCE concerning

CITY PROPERTY—SALE

FOR the purpose of authorizing the Mayor and City Council of Baltimore to sell either at public or private sale all the interest of the Mayor and City Council of Bal-



timore in and to certain parcels of land and improvements no longer needed for public use located in Block 208, Lot 25 (1800/1820 Hollins Street) and known as Public School No. 48.

BY authority of  
Article V—Comptroller  
Section 5(b)  
Baltimore City Charter (1964 Revision as amended)

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That the Comptroller of Baltimore City be and he is hereby authorized to sell at either public or private sale in accordance with Article V, Section 5(b) of the City Charter, all of the interest of the Mayor and City Council of Baltimore in and to a certain parcel of land situate in Baltimore, Maryland, and described as follows:

BEGINNING for the same at the point formed by the intersection of the north side of Hollins Street, as now laid out 66 feet wide, and the east side of Monroe Street, as now laid out 66 feet wide, and running thence binding on the east side of said Monroe Street, Northerly 129 feet, more or less, to intersect the south side of Booth Street, as now laid out 20 feet wide; thence binding on the south side of said Booth Street, Easterly 425 feet, more or less, to intersect the west side of Fulton Avenue, as now laid out 66 feet wide; thence binding on the west side of said Fulton Avenue, Southerly 87 feet, more or less, to intersect the northwest side of Frederick Avenue, as now laid out varying in width; thence binding on the northwest side of said Frederick Avenue, Southwesterly 102 feet, more or less, to intersect the north side of said Hollins Street, and thence binding on the north side of said Hollins Street, Westerly 326 feet, more or less, to the place of beginning, being in Block 208, Lot 25 (1800/1820 Hollins Street) and known as Public School No. 48.

Said property being no longer needed for public use.

SEC. 2. *Be it further ordained*, That no deed or deeds shall pass in accordance herewith until the same shall have been first approved by the City Solicitor.

SEC. 3. *And be it further ordained*, That this ordinance shall take effect from the date of its passage.

Approved May 21, 1981.

WILLIAM DONALD SCHAEFER, *Mayor*.

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No. 300

(Council No. 495)

AN ORDINANCE concerning

CITY PROPERTY—SALE

FOR the purpose of authorizing the Mayor and City Council of Baltimore to sell either at public or private sale all the interest of the Mayor and City Council of Baltimore in and to a certain parcel of land no longer needed for public use known as the Former Bed of Clinton Street, extending southerly from Newgate Avenue to the Seaward Side of the Bulkhead.

BY authority of

Article V—Comptroller

Section 5(b)

Baltimore City Charter (1964 Revision as amended)

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That the Comptroller of Baltimore City be and he is hereby authorized to sell at either public or private sale in accordance with Article V Section 5(b) of the City Charter, all of the interest of the Mayor and City Council of Baltimore in and to that parcel of land situate in Baltimore, Maryland, and described as follows:

BEGINNING for the same at the point formed by the intersection of the south side of Newgate Avenue, 70 feet wide, and the east side of the former bed of Clinton Street, 70 feet wide, as condemned and closed, and running thence binding on the east side of said Clinton Street, South 02°-51'-40" East 390 feet, more or less, to the seaward side of the existing physical bulkhead located at the foot

of said Clinton Street; thence binding along the seaward side of said bulkhead, Westerly 70 feet to intersect the west side of said Clinton Street; thence binding on the west side of said Clinton Street, North  $02^{\circ}-51'-40''$  West 390 feet, more or less, to intersect the line of the south side of said Newgate Avenue, if projected westerly and thence binding reversely on said line so projected, Easterly 70 feet to the place of beginning.

Containing 27,300 square feet or 0.63 acre of land, more or less.

The Mayor and City Council of Baltimore reserves unto themselves any and all riparian rights.

SUBJECT TO A 15 FOOT RIGHT-OF-WAY OVER THE EXISTING STORM DRAIN SITUATED THEREIN, AND PROVIDED THAT LEBANON CHEMICAL CORPORATION ASSUMES THE RESPONSIBILITY FOR THE DRAINAGE CONVEYED BY THIS STREET FROM THAT PORTION OF SOUTH CLINTON STREET REMAINING OPEN.

Said property being no longer needed for public use.

SEC. 2. *Be it further ordained*, That no deed or deeds shall pass in accordance herewith until the same shall have been first approved by the City Solicitor.

SEC. 3. *And be it further ordained*, That this ordinance shall take effect from the date of its passage.

Approved May 21, 1981.

WILLIAM DONALD SCHAEFER, *Mayor*.



## No. 301

(Council No. 513)

## AN ORDINANCE concerning

URBAN RENEWAL—WEST COLD SPRING TRANSIT  
STATION AREA—URBAN RENEWAL PLAN

FOR the purpose of approving an Urban Renewal Plan for an area situate in Baltimore City, Maryland, known as the Coldspring Lane Transit Station Urban Renewal Area, bounded generally by Oakford Avenue on the north, Callaway Avenue and Dorithan Road on the west, Belle Avenue and Hilton Road on the south, and Wabash Avenue on the east, to among other things, (1) changing the name of "Coldspring Lane" Transit Station Urban Renewal Area to "West Cold Spring" Transit Station Urban Renewal Area; (2) revising the boundary description to correct certain technical errors; (3) adding, deleting and/or revising the objectives to be met in implementing the Plan; (4) revising the provisions regarding review by the Department of Housing and Community Development of all plans for new construction, exterior rehabilitation, demolition and change in use of property in the Coldspring Lane Transit Station Urban Renewal Area; (5) establishing permitted land uses; (6) authorizing the acquisition by purchase or by condemnation by THE Mayor and City Council of Baltimore, for urban renewal purposes of the fee simple interest or any lesser interest in and to certain properties within the Coldspring Lane Transit Station Urban Renewal Area; (7) providing that in selling land in the Coldspring Lane Transit Station Urban Renewal Area, the Department of Housing and Community Development shall require that developers agree in writing not to discriminate in the sale, lease, use or occupancy of the property developed by them against any person because of race, color, sex, religion or national origin; (8) providing that the cleaning of masonry facades by means of sandblasting shall not be permitted and providing a penalty for any violation of this standard; (9) providing that the approval of said Renewal Plan is not an enactment of such amendments to the Zoning Ordinance as are proposed in the Renewal Plan; (10)

waiving such requirements, if any, as to content or procedure for the preparation, adoption and approval of Renewal Plans as set forth in Section 25 of Article 13 of the Baltimore City Code (1976 Edition, as amended) which the Renewal Plan for the Coldspring Lane Transit Station Urban Renewal Area may not meet; (11) providing for the separability of the various parts and applications of this ordinance; (12) providing that where the provisions of this ordinance shall conflict with any other ordinance, code or regulation, the provision which establishes the higher standard shall prevail; and (13) providing for the effective date hereof.

WHEREAS, the area known as the Coldspring Lane Transit Station Urban Renewal Area, bounded generally by Oakford Avenue on the north, Callaway Avenue and Dorithan Road on the west, Belle Avenue and Hilton Road on the south, and Wabash Avenue on the east, was designated a "Renewal Area" by Ordinance No. 377, approved June 28, 1977; and

WHEREAS, it is necessary and desirable that the name of this Urban Renewal Area be changed from "Coldspring Lane" Transit Station Urban Renewal Area to "West Cold Spring" Transit Station Urban Renewal Area; and

WHEREAS, under Article 13 of the Baltimore City Code (1976 Edition, as amended), the Department of Housing and Community Development is authorized to prepare and administer renewal plans in renewal areas; and

WHEREAS, the Department of Housing and Community Development has prepared a Renewal Plan, for Coldspring Lane Transit Station Area, consisting of a cover page, a table of contents, 11 pages of text, and 4 exhibits; and

WHEREAS, the Renewal Plan for the Coldspring Lane Transit Station Area was approved by the Director of the Department of Planning with respect to its conformity as to the Master Plan; the detailed location of any public improvements proposed in the Renewal Plan; its conformity to the rules and regulations for subdivisions, and all zoning changes proposed in the Renewal

Plan, and the Renewal Plan was approved and recommended to the Mayor and City Council of Baltimore by the Commissioner of the Department of Housing and Community Development; now, therefore,

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That the name of the Coldspring Lane Transit Station Urban Renewal Area shall be changed and henceforth said area shall be known as the "West Cold Spring Transit Station Urban Renewal Area".

SEC. 2. *And be it further ordained*, That the Urban Renewal Plan, identified as "Urban Renewal Plan West Cold Spring Transit Station Urban Renewal Area" . . . January 5, 1981, is hereby approved and the Clerk of the City Council is hereby directed to file a copy of said Renewal Plan with the Department of Legislative Reference as a permanent public record and to make the same available for public inspection and information.

SEC. 3. *And be it further ordained*, That the boundary description of the West Cold Spring Transit Station Urban Renewal Area shall be revised to correct certain technical errors: therefore, Section 2 of Ordinance No. 377 approved June 28, 1977 is hereby amended to read as follows:

Beginning for the same at the point formed by the intersection of the northwestern right-of-way line of Wabash Avenue; thence running in a northwesterly direction, and binding on the western right-of-way line of said Wabash Avenue crossing Edgewood Road, Annellen Road, [Celardale] Cedardale Road, Grantley [Place] Road, Bareva Road, Belle Avenue and [Coldspring] Cold Spring Lane, to a point of intersection with the northwestern right-of-way line of the said 15 foot alley, ; thence running in a southwesterly direction, binding on the northwestern right-of-way line of said 15 foot alley, continuing in a straight line on the northwestern right-of-way line of Oakford Avenue, crossing Columbus Drive, a second 15 foot alley and Dolfield Avenue, to a point of intersection with the southwestern right-of-way line of said Dolfield Avenue; thence running in a southeasterly direction, binding on the southwestern right-of-way line of said Dolfield Avenue, to a point



of intersection with the southeastern boundary line of lot LOT 10, Block 2951A; thence running in a southwesterly direction, binding on the southeastern boundary line of said Lot 10, crossing the first 15 foot alley and continuing on the northwestern boundary line of Lot 35, Block 2951A, crossing Callaway Avenue, to a point of intersection with the southwestern right-of-way line of said Callaway Avenue; thence running in a southeasterly direction, binding on the southwestern right-of-way line of said Callaway Avenue, to a point of intersection with the line forming the boundary of Lots 21 and 22, Block 2957; thence running in a southwesterly direction, binding on the northwestern boundary line of Lots 21 and 22, to a point of intersection with the southwestern boundary line of said Lot 21; thence running in a southeasterly direction, binding on the southwestern boundary line of said Lot 21; crossing **[Coldspring]** *Cold Spring* Lane and continuing in a southwesterly direction, binding on the southwestern boundary line of Lot 12, Block 2950; to a point of intersection with the northwestern boundary line of Lot 14, Block 2950; thence running in a southwesterly direction, binding on the northwestern boundary line of said Lot 14, to a point of intersection with the line forming the southwestern boundary of Lots 14, 15, 16, 17 and 18, Block 2950; thence running in a southeasterly direction, binding on the southwestern boundary line of said Lots 14 through 18, crossing Boarman Avenue and continuing in a southeasterly direction, binding on the line forming the southwestern boundary of Lots 25, 26, 27, 28, 29, 30 and 31, Block 2947, crossing the first 20 foot alley to a point of intersection with the western boundary line of Lot 33/34, Block 2947; thence running in a southerly direction, binding on the western boundary line of Lot 33/34, Block 2947, and crossing Belle Avenue, to a point of intersection with the southern right-of-way line of said Belle Avenue; ~~to a point of intersection with the southern right-of-way line of said Belle Avenue;~~ thence running in an easterly direction, binding on the southern right-of-way line of said Belle Avenue, to a point of intersection with the western boundary line of Lots 27/28, Block 2940. ;

thence running in a southerly direction, binding on the western boundary line of said Lots 27/28, to a point of

intersection with the northern right-of-way line of the first 20 foot alley; thence running in an easterly direction, binding on the northern right-of-way line of said 20 foot alley, crossing Callaway Avenue and continuing in a straight line to a point of intersection with the northwestern right-of-way line of Copley Road; thence running in a northeasterly direction, binding on the northwestern right-of-way line of Lot 32, Block 3123A; thence running in a northeasterly direction, crossing Copley Road and binding on the southeastern right-of-way line of said Lot 32, to a point of intersection with the southwestern right-of-way line of Dolfield Avenue; thence running in a northwesterly direction, binding on the southwestern right-of-way line of said Dolfield Avenue, to a point of intersection with the southern right-of-way line of Belle Avenue; thence running in an easterly direction binding on the southern right-of-way line of said Belle Avenue, crossing *Dolfield Avenue* and Dorithan Road to a point of intersection with the northeastern right-of-way line of said Dorithan Road; thence running in a southeasterly direction binding on the northeastern right-of-way line of said Dorithan Road, crossing Bareva Road, Grantley **[Place]** Road, Cedardale Road, Annellen Road, and Edgewood Road, to a point of intersection with the southeastern right-of-way line of Edgewood Road; thence running in a southwesterly direction, binding on the southeastern right-of-way line of said Edgewood Road crossing Dorithan Road to a point of intersection with the northeastern right-of-way line of Dolfield Avenue. ;

thence running in a southeasterly direction, binding on the northeastern right-of-way of said Dolfield Avenue, to a point of intersection with the northwestern right-of-way of Hilton Road; thence running in a northeasterly direction, binding on the northwestern right-of-way line of said Hilton Road, crossing Dorithan Road, to the point of beginning.

SEC. 4. *And be it further ordained*, That it is necessary to revise, add, and/or delete certain objectives to be met in the development of a comprehensive plan for the Coldspring Lane Transit Station Urban Renewal Area as set forth in Section 3 of Ordinance No. 377 approved June 28,

1977; therefore, said Section 3 of Ordinance No. 377 is hereby amended and the objectives contained in Section A.2. of the Urban Renewal Plan for the West Cold Spring Transit Station Urban Renewal Area, dated January 5, 1981, are hereby approved.

SEC. 5. *And be it further ordained*, That the provisions regarding review by the Department of Housing and Community Development of all plans for new construction, exterior rehabilitation, change in use, and demolition of property not to be acquired shall be revised. Therefore, Section 4 of said Ordinance No. 377 approved June 28, 1977, is hereby amended to read as follows:

All plans for new construction, (*including parking lots*), exterior rehabilitation, [demolition, and] change in use and demolition of any building on any property in the [Coldspring Lane] West Cold Spring Transit Station Area shall be submitted to the Department of Housing and Community Development for review and approval. Such review shall be concerned with, but not necessarily limited to, urban design standards, site planning, architectural treatment, materials, colors, building construction, landscape design, access, signs, lighting, elevation, servicing, streets, and sidewalks. Only [Upon] upon finding that the proposed plans are consistent with the objectives stated in [Section 3 of this ordinance] Section A.2. of the Urban Renewal Plan, and the land use is appropriate, shall the Commissioner of the Department of Housing and Community Development [shall] authorize the processing of the plans for issuance of the necessary permit(s). The Commissioner may, upon finding that the proposed plans are inconsistent with the objectives stated in [Section 3 of this ordinance] Section A.2. of the Urban Renewal Plan, deny the issuance of a permit. If the Commissioner denies the issuance of a demolition permit, he shall within 90 days of such denial, seek approval of the Board of Estimates to acquire for and on behalf of the Mayor and City Council of Baltimore the property, in whole or in part, on which said [new construction, exterior rehabilitation,] demolition, [or change in use of any building on any property] was to have occurred, by purchase, lease, condemnation, gift, or other legal means. In the event that the



Board of Estimates does not authorize the acquisition, the Commissioner, without delay, shall issue the *demolition* permit.

The provisions of this section are in addition to, and not in lieu of all other applicable laws and ordinances.

SEC. 6. *And be it further ordained*, That the permitted land uses for the West Cold Spring ~~Lane~~ Transit Station Area, as contained in Section B.1. of the Urban Renewal Plan, are hereby approved.

SEC. 7. *And be it further ordained*, That it is necessary to acquire, by purchase or by condemnation, for urban renewal purposes, the fee simple interest or any lesser interest in and to certain property or portion thereof, together with all right, title, interest, and estate that the owner or owners of said property interest may have in all streets, alleys, ways or lanes, public or private, both abutting the whole area described and/or contained within the perimeter of said area, situate in Baltimore City, Maryland, and described as follows:

3520 Dolfield Avenue

SEC. 8. *And be it further ordained*, That it may be necessary to acquire, by purchase or by condemnation, for urban renewal purposes, the fee simple interest or any lesser interest in and to such of the remaining properties or portions thereof, together with all right, title, interest, and estate that the owner or owners of said property interests may have in all streets, alleys, ways or lanes, public or private, abutting said properties in the West Cold Spring Transit Station Area not specifically designated for acquisition in Section 7 of this ordinance, as may be deemed necessary and proper by the Commissioner of the Department of Housing and Community Development to effect the proper implementation of the project. These properties may include:

(a) any property in the project area containing a non-salvable structure, i.e. a structure which in the opinion of the Commissioner of the Department of Housing and Community Development cannot be economically rehabilitated.

(b) any property the owner of which is unable or unwilling to comply or conform to the codes and ordinances of Baltimore City within 12 months from the date of written notice of the required improvements; the Department of Housing and Community Development, after due consideration that the property owner has failed to achieve substantial conformity with the codes and ordinances of Baltimore City may acquire such property pursuant to the Eminent Domain Law of this State as if the property had originally been planned for acquisition after 90 days written notice to the owner. The Department of Housing and Community Development reserves the right to acquire any such non-complying property for a period of two (2) years from the date of said written 90 days notice by the Department of Housing and Community Development.

SEC. 9. *And be it further ordained*, That it may be necessary to acquire by purchase or by condemnation, for urban renewal purposes, the fee simple interest or any lesser interest in and to such of the remaining properties or portions thereof, together with all right, title, interest, and estate that the owner or owners of said property interests may have in all streets, alleys, ways or lanes, public or private, abutting said properties in West Cold Spring Transit Station Area not designated for acquisition in addition to those properties enumerated in Sections 7 and 8 of this ordinance, in order to carry out rehabilitation by the Department of Housing and Community Development because:

(a) it is necessary to make residential structures available for use for low- and moderate-income families; or

(b) rehabilitation on a structure-by-structure basis is infeasible, and assemblage of a group of properties is required to carry out the objectives set forth in the Plan; or

(c) rehabilitation of individual, scattered properties is necessary in order to remove blighting influences from otherwise sound residential blocks.

SEC. 10. *And be it further ordained*, That upon acquisition of the properties, the Department of Housing and Community Development will either:

(a) demolish the structure or structures thereon and dispose of the land for redevelopment for uses in accordance with the Plan; or

(b) sell or lease the property subject to rehabilitation in conformance with the codes and ordinances of Baltimore City; or

(c) rehabilitate the property in conformance with the codes and ordinances of Baltimore City and dispose of the property in accordance with the applicable regulations. If sale cannot be consummated by the time rehabilitation is accomplished, property may be rented pending continuing sale efforts.

SEC. 11. *And be it further ordained*, That the Real Estate Acquisition Division of the Department of the Comptroller, or such person or persons and in such manner as the Board of Estimates, in the exercise of the power vested in it by Article V, Section 5, of the Baltimore City Charter, may hereafter from time to time designate, is or are authorized to acquire on behalf of the Mayor and City Council of Baltimore and for the purposes described in this ordinance, the fee simple interest or any lesser interest in and to the properties or portions thereof hereinabove mentioned. If the Real Estate Acquisition Division of the Department of the Comptroller, or such person or persons and in such manner as the Board of Estimates, in the exercise of the power vested in it by Article V, Section 5, of the Baltimore City Charter, may hereafter from time to time designate, is or are unable to agree with the owner or owners on the purchase price for said properties or portions thereof, it or they shall forthwith notify the City Solicitor of Baltimore City, who shall thereupon institute in the name of the Mayor and City Council of Baltimore the necessary legal proceedings to acquire by condemnation the fee simple interest or any lesser interest in and to said properties or portions thereof.

SEC. 12. *And be it further ordained*, That in selling or otherwise disposing of property in the West Cold Spring Transit Station Area, the Department of Housing and Community Development shall require that the developers agree in writing not to discriminate in the sale, lease, use



or occupancy of the property developed by them against any person because of race, creed, color, sex, religion, or national origin.

SEC. 13. *And be it further ordained*, That the following standard shall be applied to all properties within the West Cold Spring Transit Station area:

Cleaning of masonry facades by means of sandblasting shall not be permitted.

SEC. 14. *And be it further ordained*, That any person violating the provision contained in Section 13 of this ordinance shall be subject to a fine not exceeding One Hundred Dollars (\$100.00) and that each day's violation shall constitute a separate offense.

SEC. 15. *And be it further ordained*, That the approval of the Renewal Plan for THE West Cold Spring Transit Station Area shall not be construed as an enactment of such amendments to the Zoning Ordinance as are proposed in the Renewal Plan on exhibit 4, Zoning Districts, dated January 5, 1981.

SEC. 16. *And be it further ordained*, That in whatever respect, if any, the Renewal Plan approved hereby for the West Cold Spring Transit Station Area may not meet the requirements as to the content of a Renewal Plan or the procedure for the preparation, adoption, and approval of Renewal Plans as provided in Section 25 of Article 13 of the Baltimore City Code (1976 Edition, as amended) the said requirements are hereby waived and the Renewal Plan approved hereby is exempted therefrom.

SEC. 17. *And be it further ordained*, That in the event it be judicially determined that any word, phrase, clause, sentence, paragraph, section or part in or of this ordinance, or the application thereof to any person or circumstances is invalid, the remaining provisions and the application of such provisions to other persons or circumstances shall not be affected thereby, the Mayor and City Council hereby declaring that they would have ordained the remaining provisions of this ordinance without the

word, phrase, clause, sentence, paragraph, section or part or the application thereof so held invalid.

SEC. 18. *And be it further ordained*, That in any case where a provision of this ordinance concerns the same subject matter as an existing provision of any zoning, building, electrical, plumbing, health, fire or safety ordinance or code or regulation, the applicable provisions concerned shall be construed so as to give effect to each; provided, however, that if such provisions are found to be in irreconcilable conflict, the provision which establishes the higher standard for the promotion and protection of the public health and safety shall prevail. In any case where a provision of this ordinance is found to be in conflict with an existing provision of any other ordinance or code or regulation in force in the City of Baltimore which establishes a lower standard for the promotion and protection of the public health and safety, the provision of this ordinance shall prevail, and the other existing provision of such other ordinance or code or regulation is hereby repealed to the extent that it may be found in conflict with this ordinance.

SEC. 19. *And be it further ordained*, That this ordinance shall take effect from the date of its passage.

Approved May 21, 1981.

WILLIAM DONALD SCHAEFER, *Mayor*.

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No. 302

(Council No. 581)

AN ORDINANCE concerning

PARKING—RESERVED

FOR the purpose of providing for reserved parking on a lot on the west side of Anglesea Street for employees of City Hospitals.

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That on the lot located on the west side of Anglesea Street from a point 225 feet south of the Main Drive to Building A to a point 351 feet south of the Main Drive to Building A and for a distance 375 feet westerly therefrom, parking is reserved for employees displaying permit issued by City Hospitals.

SEC. 2. *And be it further ordained*, That this ordinance shall take effect on the date of its passage.

Approved May 21, 1981.

WILLIAM DONALD SCHAEFER, *Mayor*.

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No. 303

(Council No. 582)

AN ORDINANCE concerning

PARKING—RESERVED

FOR the purpose of providing for reserved parking on the north side of Chase Street near Morton Street for Heidi Bodenheimer.

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That on the north side of Chase Street from Morton Street to a point 45 feet west of Morton Street, parking is reserved for Heidi Bodenheimer.

SEC. 2. *And be it further ordained*, That this ordinance shall take effect on the date of its passage.

Approved May 21, 1981.

WILLIAM DONALD SCHAEFER, *Mayor*.



## No. 304

(Council No. 608)

AN ORDINANCE concerning

## SANITARY LANDFILL—WOODBERRY QUARRY

FOR the purpose of approving the Woodberry Quarry site for use as a public sanitary landfill and directing the Director of Public Works to apply for the necessary permits.

BY authority

Article 30—Zoning Code

Section 2.0-11-a

Baltimore City Code (1976 Edition, as amended)

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That a site, situate in Baltimore City, located south of Coldspring and west of the Jones Falls Expressway, as shown on the plats identified as C.E.I. Contract No. 8380, and filed in the office of the Director of the Department of Public Works on the seventh (7th) day of April, 1981, is hereby authorized and approved for use as a public sanitary landfill.

SEC. 2. *And be it further ordained*, That the Director of Public Works is directed to apply to the State of Maryland, Department of Health and Mental Hygiene and the Baltimore City Department of Health for the necessary authority to operate said Public Sanitary Landfill.

SEC. 3. *And be it further ordained*, That this ordinance shall take effect from the date of its passage.

Approved May 26, 1981.

WILLIAM DONALD SCHAEFER, *Mayor*.

No. 305

(Council No. 662)

AN ORDINANCE concerning

INDUSTRIAL DEVELOPMENT REVENUE BONDS—  
(MICHEL ASSOCIATES AND CAMP  
MANUFACTURING COMPANY PROJECT)

FOR the purpose of authorizing and empowering Mayor and City Council of Baltimore to issue and sell, at any time or from time to time and in one or more series, as limited obligations of the City and not upon its full faith and credit, its industrial development revenue bonds, in the aggregate principal amount not to exceed \$2,650,000, pursuant to the provisions of Sub-section (50) of Article II of the Charter of Baltimore City (1964 Revision), as amended, for the sole and exclusive purpose of financing the costs of the completion by Michel Associates, a Maryland general partnership, and Camp Manufacturing Company, a Maryland corporation, of a certain project in Baltimore City consisting of (a) the acquisition by Michel Associates of certain real property in Baltimore City known as 3010 Nieman Avenue (including the existing improvements thereon), such real property to be leased to Camp Manufacturing Company for use in its business as a paper converter manufacturing stationery, school and office supplies, and (b) the acquisition and installation by Camp Manufacturing Company in and on such real property of certain machinery, equipment and other improvements necessary or useful in connection with the operation of its business; authorizing the Mayor of the City, on behalf of the City, to accept the letter of intent dated April 30, 1981, from Michel Associates and Camp Manufacturing Company to the City; making certain legislative findings; authorizing and empowering the Board of Finance of the City, by a resolution or resolutions adopted prior to the issuance, sale and delivery of any series of such bonds, to (a) prescribe, among other things but not limited to, the aggregate principal amount, form, terms, provisions, manner or method of issuing and selling (including negotiated as well as competitive bid sale), and the time

or times of issuance, and any and all other details of such bonds, and (b) do any and all things necessary, proper or expedient in connection with the issuance and sale of such bonds; providing that Michel Associates and Camp Manufacturing Company shall agree to submit any plans and specifications to, and to coordinate with, the Department of Housing and Community Development in connection with the completion of such project; providing that such bonds (or bond anticipation notes issued in anticipation of the issuance of such bonds) must be issued and sold within six months from the date this Ordinance is approved by the Mayor, unless the Board of Finance approves one six month extension as provided in this Ordinance; authorizing the issuance of notes in anticipation of the issuance of such revenue bonds; and generally providing for and determining various matters and details in connection with the issuance and sale of such bonds and bond anticipation notes.

### RECITALS

Sub-section (50) of Article II of the Charter of Baltimore City (1964 Revision), as amended (the "Enabling Law"), empowers Mayor and City Council of Baltimore (the "City") to borrow money to finance undertakings for the accomplishment of any of the purposes, objects and powers of the City and in connection therewith to issue bonds, notes, or other obligations (including refunding bonds, notes or other obligations), all of which shall be fully negotiable, payable, as to both principal and interest, solely from and secured solely by a pledge of (I) the revenues from or arising in connection with the property, facilities, developments and improvements whose financing is undertaken by the issuance of such bonds, notes or other obligations, (II) the revenues from or arising in connection with any contracts, mortgages or other securities purchased or otherwise acquired with the proceeds of such bonds, notes or other obligations, (III) the contracts, mortgages or other securities purchased or otherwise acquired with the proceeds of such bonds, notes or other obligations, or (IV) any combination of (I), (II) or (III). The purposes, objects and powers of the City contemplated by the Enabling Law



include the relief of conditions of unemployment in Baltimore City, encouraging the increase of industry and a balanced economy in Baltimore City, promoting economic development in Baltimore City, and promoting the health, welfare and safety of the residents of Baltimore City.

The City has received a letter of intent dated April 30, 1981 (the "Letter of Intent") from Michel Associates, a Maryland general partnership (the "Partnership") and Camp Manufacturing Company, a Maryland corporation (the "Corporation"), pursuant to which the Partnership and the Corporation (each, a "Borrower" and collectively, the "Borrowers") have requested the City to participate in the financing of the costs of the completion by the Borrowers of a certain project in Baltimore City, Maryland (the "Project"), by issuing and selling the City's industrial development revenue bonds in the aggregate principal amount not to exceed \$2,650,000 (the "Bonds"), and by making portions of the proceeds of the Bonds available to each of the Borrowers to be used by the Borrowers for the sole and exclusive purpose of financing the costs of the completion of the Project by the Borrowers.

The Project, which is an "undertaking" which will accomplish the purposes, objects and powers of the City as mentioned in the Enabling Law, will consist generally of (a) the acquisition by the Partnership of a tract of land containing approximately 8.0 acres in Baltimore City, known as 3010 Nieman Avenue, and the existing improvements thereon containing approximately 113,700 square feet (collectively, the "Real Property"), and (b) the acquisition and installation in and on the Real Property by the Corporation of any or all machinery, equipment and other improvements as may be necessary or useful in connection with the operation of the Corporation's business on the Real Property (collectively, the "Equipment"). The Real Property will be owned by the Partnership and leased to the Corporation, to be used by the Corporation, together with the Equipment, in its business as a paper converter manufacturing stationery, school and office supplies for distribution throughout the eastern part of the United States of America.

The Enabling Law provides that the City may authorize and empower the Board of Finance of the City (the "Board") by resolution to determine and set forth the form, terms, provisions, manner or method of issuing and selling (including negotiated as well as competitive bid sale), and the time or times of issuance, and any and all other details of the Bonds and the issuance and sale thereof, and to do any and all things necessary, proper or expedient in connection with the issuance and sale of the Bonds.

NOW THEREFORE, IN ACCORDANCE WITH THE ENABLING LAW:

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That acting pursuant to the Enabling Law, it is hereby found and determined as follows:

(1) The issuance and sale of the Bonds by the City pursuant to the Enabling Law in order to make the proceeds thereof available to the Borrower for the sole and exclusive purpose of financing the costs of completion of the Project will facilitate and expedite the completion of the Project by the Borrowers.

(2) The completion of the Project by the Borrowers and the financing of the costs of such completion as provided in this Ordinance will serve to promote the general purposes contemplated by the Enabling Law by (a) sustaining jobs and employment in Baltimore City; (b) promoting economic development in Baltimore City; (c) encouraging the increase of industry and a balanced economy in Baltimore City; and (d) assisting in the retention of existing industry in Baltimore City.

(3) Any and all of the Bonds shall not be general obligations of the City and shall not be a pledge of or involve the faith and credit or the taxing power of the City, and shall not constitute a debt of the City, all within the meaning of Section 7 of Article XI of the Constitution of Maryland or within the meaning of any other constitutional, statutory or charter provision limiting or restricting the sale or issuance of bonds, notes or other obligations of the City. All of the Bonds shall be limited obligations of the City, and shall be fully negotiable, payable, as to both prin-

cipal and interest, solely from and secured solely by a pledge of (I) the revenues from or arising in connection with the Project, (II) the revenues from or arising in connection with any contracts, mortgages or other securities purchased or otherwise acquired with the proceeds of the Bonds, (III) the contracts, mortgages or other securities purchased or otherwise acquired with the proceeds of the Bonds, or (IV) any combination of (I), (II) or (III), all as the Board may approve by a resolution or resolutions adopted prior to the issuance, sale and delivery of any of the Bonds.

SEC. 2. *And be it further ordained*, That the City is hereby authorized and empowered to issue and sell, at any time or from time to time and in one or more series, as limited obligations of the City and not upon its full faith and credit, its industrial development revenue bonds, in the aggregate principal amount not to exceed \$2,650,000, subject to the provisions of this Ordinance. Portions of the proceeds of the Bonds will be made available to each of the Borrowers in amounts determined and under terms and conditions approved by the Board and set forth in a Resolution, and the proceeds of the Bonds will be used by the Borrowers for the sole and exclusive purpose of financing the costs of the completion of the Project.

SEC. 3. *And be it further ordained*, That this Ordinance constitutes the present intent of the City to issue the Bonds, and the Mayor of the City is hereby authorized to accept the Letter of Intent on behalf of the City in order to further evidence the present intent of the City to issue the Bonds in accordance with the terms and provisions of this Ordinance.

SEC. 4. *And be it further ordained*, That, as permitted by the Enabling Law, the Board is hereby authorized and empowered, by a resolution or resolutions adopted prior to the issuance, sale and delivery of any of the Bonds, to:

(a) prescribe, among other things but not limited to, the aggregate principal amount, form, terms, provisions, manner or method of issuing and selling (including negotiated as well as competitive bid sale), and the time or



times of issuance, and any and all other details of the Bonds and the issuance and sale thereof;

(b) approve (i) the pledge or assignment by the City of any of the security described in Section 5 of this Ordinance, pursuant to a trust agreement or similar agreement, (ii) the form of any such trust agreement or similar agreement, as provided in the Enabling Law, and (iii) such provisions in any such trust agreement or similar agreement as the Board may deem reasonable and proper for the security of the holders of the Bonds;

(c) approve the terms and conditions, including but not limited to the terms and conditions of any documents to be executed and delivered by the City (other than customary financing statements and closing certificates), under which portions of the proceeds of the Bonds will be made available to each of the Borrowers to finance the costs of the completion of the Project, and determine the amount of the proceeds of the Bonds to be made available to each Borrower; and

(d) do any and all things necessary, proper or expedient in connection with the issuance, sale and delivery of the Bonds.

SEC. 5. *And be it further ordained*, That any and all of the Bonds shall not be general obligations of the City and shall not be a pledge of or involve the faith and credit or the taxing power of the City, and shall not constitute a debt of the City, all within the meaning of Section 7 of Article XI of the Constitution of Maryland or any other constitutional, statutory or charter provision limiting or restricting the sale or issuance of bonds, notes or other obligations of the City. All of the Bonds shall be limited obligations of the City, and shall be fully negotiable, payable, as to both principal and interest, solely from and secured solely by a pledge of (I) the revenues from or arising in connection with the Project, (II) the revenues from or arising in connection with any contracts, mortgages or other securities purchased or otherwise acquired with the proceeds of the Bonds, (III) the contracts, mortgages or other securities purchased or otherwise acquired with the proceeds of the Bonds, or (IV) any combination of

(I), (II) or (III), all as the Board may approve by a resolution or resolutions adopted prior to the issuance, sale and delivery of any of the Bonds.

SEC. 6. *And be it further ordained*, That the Borrowers shall agree that:

(a) they will submit any plans and specifications for the Project to the Department of Housing and Community Development for approval, and that the Department of Housing and Community Development may refuse approval of any plans and specifications for aesthetic or functional reasons; and

(b) they and their developers will work with the design advisory group appointed by the Department of Housing and Community Development in order to achieve high quality site, building, and landscape design.

SEC. 7. *And be it further ordained*, That any and all of the Bonds shall be executed in the name of the City and on its behalf by the Mayor of the City, by his manual or facsimile signature, and by the Director of Finance of the City, by his manual or facsimile signature, and the corporate seal of the City or a facsimile thereof shall be impressed or otherwise reproduced thereon and attested by the Custodian of the City Seal, by his manual signature. Any trust agreement or other documents as the Board shall deem necessary to effectuate the issuance, sale and delivery of the Bonds shall be executed in the name of the City and on its behalf by the Mayor of the City by his manual or facsimile signature, and the corporate seal of the City or a facsimile thereof shall be impressed or otherwise reproduced thereon and attested by the Custodian of the City Seal by his manual signature. In case any officer whose signature or a facsimile of whose signature shall appear on the Bonds or any of the aforesaid documents shall cease to be such officer before the delivery of the Bonds or any of the other aforesaid documents, such signature or such facsimile shall nevertheless be valid and sufficient for all purposes, the same as if such officer had remained in office until delivery. The Mayor of the City, the Director of Finance of the City, the Custodian of the City Seal and other officials of the City are hereby authorized

and empowered to do all such acts and things and execute such documents and certificates as the Board may determine by resolution to be necessary to carry out and comply with the provisions hereof.

SEC. 8. *And be it further ordained*, That any and all necessary financing statements required for the consummation of the transactions authorized by this Ordinance may be executed on behalf of the City by the Mayor of the City or by the Chief, Bureau of Treasury Management of the City or by such other appropriate official of the City as may be designated by the Mayor of the City to execute such financing statements.

SEC. 9. *And be it further ordained*, That the authority to issue the Bonds is intended and shall be deemed to include the authority to issue bond anticipation notes pursuant to Section 12 of Article 31 of the Annotated Code of Maryland (1976 Replacement Volume and 1980 Cumulative Supplement), as amended (the "Bond Anticipation Note Enabling Legislation"). Reference in this Ordinance to the "Bonds" shall include such bond anticipation notes where appropriate. Prior to the issuance, sale and delivery of any series of bond anticipation notes, the Board shall adopt a resolution or resolutions, to:

(a) prescribe, among other things but not limited to, the form, terms, provisions, manner or method of issuing and selling (including negotiated as well as competitive bid sale), and the time or times of issuance, and any and all other details of such bond anticipation notes and the issuance and sale thereof;

(b) approve (i) the pledge or assignment by the City of any of the security described in Section 5 of this Ordinance, pursuant to a trust agreement or similar agreement, (ii) the form of any such trust agreement or similar agreement, as provided in the Enabling Law, and (iii) such provisions in any such trust agreement or similar agreement as the Board may deem reasonable and proper for the security of the holders of such bond anticipation notes;

(c) approve the terms and conditions, including but not limited to the terms and conditions of any documents



to be executed and delivered by the City (other than customary financing statements and closing certificates), under which portions of the proceeds of such bond anticipation notes will be made available to each of the Borrowers to finance the costs of the completion of the Project; and

(d) do any and all things necessary, proper or expedient in connection with the issuance, sale and delivery of such bond anticipation notes.

In accordance with the Bond Anticipation Note Enabling Legislation, the City hereby covenants to pay any bond anticipation notes issued pursuant to this Section of this Ordinance and the interest thereon from the proceeds of the Bonds in anticipation of the sale of which such notes are issued, and the City hereby further covenants to issue such Bonds, as the case may be, when, and as soon as, the reason for deferring the issuance of the Bonds no longer exists. The timely issuance of such Bonds, however, is dependent upon matters not within the control of the City, including (without limitation) the existence of a purchaser or purchasers for such Bonds at the time the reason for deferring the issuance of the Bonds no longer exists and the effectiveness of various actions taken by the Borrower, its officers, agents and employees.

SEC. 10. *And be it further ordained*, That the provisions of this Ordinance are severable, and if any provision, sentence, clause, section or part hereof is held illegal, invalid or unconstitutional or inapplicable to any person or circumstances, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this Ordinance or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this Ordinance would have been passed if such illegal, invalid or unconstitutional provision, sentence, clause, section or part had not been included herein, and if the person or circumstances to which this Ordinance or any part hereof are inapplicable had been specifically exempted herefrom.

SEC. 11. *And be it further ordained*, That either the Bonds or bond anticipation notes issued pursuant to Sec-

tion 9 of this Ordinance in anticipation of the issuance of the Bonds must be issued and sold within six months from the date on which this Ordinance is approved by the Mayor of the City; provided, however, that the Board, after a showing of good cause at a public hearing held before the Board prior to or after the expiration of such six month period, may extend the period during which either the Bonds or such bond anticipation notes may be issued and sold for one additional term not to exceed six months from the date on which the first six month period expired. The Board, in its sole discretion, and without action by the City Council, shall determine the sufficiency, or lack thereof, of the reasons presented for any requested extension of the six month period. If an extension is granted, notice of such extension and the reasons therefor must be sent to the City Council. To the extent that neither the Bonds nor such bond anticipation notes are issued and sold within twelve months from the date on which this Ordinance is approved by the Mayor of the City, the authority provided in this Ordinance for the City to issue and sell the Bonds and such bond anticipation notes shall expire.

SEC. 12. *And be it further ordained*, That this Ordinance shall take effect from the date of its passage.

Approved June 4, 1981.

WILLIAM DONALD SCHAEFER, *Mayor*.

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No. 306

(Council No. 527)

AN ORDINANCE concerning

FRANCHISE—OVERHEAD CONNECTING  
STRUCTURE FOR WAVERLY PRESS, INC.

FOR the purpose of granting permission and authority to Waverly Press, Inc., a corporation, to construct, main-

tain and use a four-story overhead connecting structure above and across the surface of an unnamed 10-foot wide alley running east and west, lying between Hunter Street on the west and Guilford Avenue on the east, and lying between East Preston Street on the south and Mount Royal Avenue on the north, said overhead connecting structure to connect the second, third and fourth floors of the premises located at 1310 Guilford Avenue to the second, third, fourth and fifth floors of premises to be erected at 210-216 East Preston Street ; AND MAKING CERTAIN LEGISLATIVE FINDINGS, AMONG OTHERS, CONCERNING THE PUBLIC BENEFIT AND PURPOSE OF THE FRANCHISE.

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore,* That IN ORDER TO (A) SUSTAIN JOBS AND EMPLOYMENT, THUS RELIEVING CONDITIONS OF UNEMPLOYMENT IN THE STATE OF MARYLAND AND IN BALTIMORE CITY; (B) ENCOURAGE THE INCREASE OF INDUSTRY AND THE CREATION OF A BALANCED ECONOMY IN THE STATE OF MARYLAND AND IN BALTIMORE CITY; (C) ASSIST IN THE RETENTION OF EXISTING INDUSTRY IN THE STATE OF MARYLAND AND IN BALTIMORE CITY; PROMOTE ECONOMIC DEVELOPMENT; AND (E) THEREBY PROMOTE THE HEALTH, WELFARE AND SAFETY OF THE RESIDENTS OF THE STATE OF MARYLAND AND BALTIMORE CITY, permission and authority be and the same hereby is granted to Waverly Press, Inc., a corporation, to construct and maintain, at its own cost and expense, for a period not exceeding 25 years, a four-story overhead connecting structure above and across the surface of an unnamed alley lying between East Preston Street and Mount Royal Avenue, said overhead connecting structure to connect the second, third and fourth floors of the premises located at 1310 Guilford Avenue to the second, third, fourth and fifth floors of premises to be erected at 210-216 East Preston Street.

SEC. 2. *And be it further ordained,* That the bottom of said overhead connecting structure shall be not less than 13 feet from the surface of the center of said street and



that said overhead connecting structure shall be 10 feet wide, 62 feet high and ~~72~~ 10 feet long. THE WESTERMOST EDGE OF SAID OVERHEAD STRUCTURE SHALL BE LOCATED 24 FEET FROM THE EASTERN BOUNDARY LINE OF HUNTER STREET. No combustible materials shall be used in the construction of same, and the said overhead connecting structure shall be erected and completed under the supervision and to the satisfaction of the Bureau of Building Inspection of Baltimore City, and shall be at all times hereafter subject to regulation and control by the said Bureau of Building Inspection.

No woodwork or other combustible materials shall be used in the construction or maintenance of said four-story overhead connecting structure and said overhead connecting structure shall be constructed in all respects in accordance with the Building Code of Baltimore City and shall be completed and maintained under the supervision and to the satisfaction of the Commissioner, Department of Housing and Community Development of Baltimore City, and shall be at all times hereafter, subject to regulation and control by the said Commissioner.

SEC. 3. *And be it further ordained*, That the Mayor and City Council of Baltimore hereby expressly reserves the right and power at all times to exercise, in the interest of the public, full municipal superintendence, regulation and control in respect to all matters connected with this grant, and not inconsistent with the terms thereof.

THE FRANCHISE HEREIN GRANTED SHALL BE HELD, EXERCISED AND ENJOYED FOR A PERIOD OF ONE YEAR FROM THE EFFECTIVE DATE OF THIS ORDINANCE, WITH THE FURTHER RIGHT TO THE GRANTEE OF TWENTY-FOUR (24) CONSECUTIVE ONE (1) YEAR RENEWALS OF THE FRANCHISE, EACH SUCH RENEWAL TO BE FOR A PERIOD OF ONE (1) YEAR, UPON THE SAME TERMS AND CONDITIONS AS THE ORIGINAL ONE YEAR GRANT, EXCEPT AS OTHERWISE PROVIDED HEREIN. EACH ONE YEAR RENEWAL PERIOD SHALL TAKE EFFECT IMMEDIATELY UPON THE EXPIRATION OF THE ORIGINAL OR RENEWAL TERM THEN IN FORCE, WITHOUT ANY ACTION BE-

ING TAKEN ON BEHALF OF EITHER THE MAYOR AND CITY COUNCIL OF BALTIMORE OR THE GRANTEE, BUT THE TOTAL PERIOD OF TIME DURING WHICH THE FRANCHISE SHALL OPERATE, INCLUDING THE ORIGINAL TERM AND ALL RENEWALS THEREOF, SHALL NOT EXCEED, IN THE AGGREGATE, TWENTY-FIVE (25) YEARS.

PROVIDED, THAT THE MAYOR AND CITY COUNCIL OF BALTIMORE, ACTING BY AND THROUGH THE BOARD OF ESTIMATES, MAY INCREASE OR DECREASE THE FRANCHISE CHARGE PAYABLE BY THE GRANTEE UNDER THE PROVISIONS HEREOF, BY GIVING WRITTEN NOTICE TO THAT EFFECT TO THE GRANTEE AT LEAST ONE HUNDRED AND FIFTY (150) DAYS PRIOR TO THE EXPIRATION OF THE ORIGINAL ONE YEAR TERM GRANTED HEREIN, OR ANY YEARLY RENEWAL TERM HEREIN GRANTED AND THEN IN EFFECT; ANY SUCH INCREASE OR DECREASE OF SAID FRANCHISE CHARGE TO BE OPERATIVE AS TO ALL YEARLY RENEWAL TERMS HEREIN GRANTED WHICH BECOME EFFECTIVE AFTER ANY INCREASE OR DECREASE IN SAID FRANCHISE CHARGE HAS OCCURRED. PROVIDED, FURTHER, THAT EITHER THE MAYOR AND CITY COUNCIL OF BALTIMORE, ACTING BY AND THROUGH THE DIRECTOR OF PUBLIC WORKS, OR THE GRANTEE MAY TERMINATE THE FRANCHISE GRANTED HEREIN, BY GIVING WRITTEN NOTICE TO THAT EFFECT TO THE OTHER, AT LEAST NINETY (90) DAYS PRIOR TO THE EXPIRATION OF THE ORIGINAL ONE YEAR TERM GRANTED HEREIN OR ANY ONE YEAR RENEWAL TERM HEREIN GRANTED AND THEN IN EFFECT.

SEC. 4. *And be it further ordained*, That the franchise or right granted by this ordinance shall be executed and enjoyed within ~~eighteen~~ SIX months after the grant.

SEC. 5. *And be it further ordained*, That the said grantee, its successors and assigns, shall maintain the said four-story overhead connecting structure in good condition

throughout the full term of this grant, so long as said overhead connecting structure remains in and above said street.

SEC. 6. *And be it further ordained*, That the said grantee, its successors and assigns, shall pay to the said Mayor and City Council of Baltimore, as compensation for the franchise or privilege hereby granted, the sum of \$3,159.00 per year, payable in advance during the continuance of this franchise or privilege, provided, however, that the Mayor and City Council of Baltimore, acting by and through the Board of Estimates, may increase or decrease the franchise charge payable by the grantee under the provisions hereof by giving written notice to that effect to the grantee at least one hundred and fifty (150) days prior to the expiration of the first five years of the term granted herein, or at the expiration of any subsequent five (5) year period of said term granted herein, any such increase or decrease of said franchise charge to be effective as of the beginning of the next succeeding five (5) year period of the term granted herein AS SET FORTH IN SECTION 3.

SEC. 7. *And be it further ordained*, That non-compliance at any time or times with any of the terms or conditions of the grant hereby made shall, at the option of the Mayor and City Council of Baltimore, operate as a forfeiture of the same, which shall thereupon be and become void, and that nothing short of an ordinance of the Mayor and City Council of Baltimore shall operate as a waiver of any forfeiture of the grant hereby made.

SEC. 8. *And be it further ordained*, That the Mayor of Baltimore City shall have the right to revoke the rights and privileges hereby granted at any time or times when, in his judgment, the public interest, welfare, safety, or convenience requires such revocation, and upon written notice to that effect from the Mayor of Baltimore City served upon the grantee, its successors or assigns, all such rights shall cease and determine.

SEC. 9. *And be it further ordained*, That in the event of any revocation, forfeiture, or termination of the rights



and privileges by this ordinance granted, the said grantee, its successors and assigns, shall, at their expense, promptly remove said overhead connecting structure in a manner satisfactory to the Commissioner, Department of Housing and Community Development, without any compensation to the grantee, its successors and assigns.

SEC. 10. *And be it further ordained*, That the said grantee, its successors and assigns, shall be liable for and shall indemnify and save harmless the Mayor and City Council of Baltimore from and against any and all suits, losses, costs, claims, damages, or expenses to which the said Mayor and City Council of Baltimore may, from time to time, be subjected on account of, by reason of, or in any way resulting from—

A. the presence, construction, use, operation, maintenance, alteration, repair, location, relocation, or removal of said four-story overhead connecting structure; and

B. Any failure on the part of said grantee, its successors and assigns, to perform, promptly and properly, any of the duties or obligations imposed upon it or them by the terms and provisions of this ordinance.

SEC. 11. *And be it further ordained*, That said Waverly Press, Inc., its successors or assigns, shall pay to the City within 30 days after written notice from the Director of Public Works of Baltimore City, of the amount due, the cost of relocating, strengthening, or encasing in concrete all subsurface structures belonging to the Mayor and City Council of Baltimore located in said street, in or adjacent to the space to be occupied by said overhead connecting structure, and shall also pay to the City, within 30 days after written notice from the said Director of Public Works of the amount due, the cost of relocating any surface structures belonging to the City made necessary by the construction of said overhead connecting structure, the judgment of the Director of Public Works as to the work necessary to safeguard said subsurface structures and as to the necessity of relocating any surface structures to be final.

SEC. 12. *And be it further ordained*, That this ordinance shall take effect ~~thirty (30) days from the date of its passage~~ JANUARY 1, 1982.

Approved June 2, 1981.

WILLIAM DONALD SCHAEFER, *Mayor*.

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No. 307

(Council No. 311)

AN ORDINANCE concerning

SALE—CITY PROPERTY

FOR the purpose of selling to the State of Maryland for One Dollar the fee simple title to the parcel of land located on the east side of Penn Street 178.94 feet north of the north side of Pratt Street and binding on the east side of Penn Street twenty feet, more or less, with an even depth easterly of 80.5 feet, more or less.

BY authority of

Article V—Comptroller

Section 5(b)

Baltimore City Charter (1964 Revision, as amended)

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That the Comptroller of Baltimore City be and he is hereby authorized to convey to the State of Maryland, for One Dollar, the fee simple title to all lot of ground situate in Baltimore City, State of Maryland, and described as follows:

BEGINNING for the same at the point formed by the intersection of the east side of Penn Street, as now laid out 55 feet wide, and the south side of the former bed of Lemmon Street, as condemned and closed in accordance with Ordinance No. 505, Approved April 26, 1965, said point of beginning being distant 178.94 feet northerly measured along the east side of said Penn Street from the north side of Pratt Street, as now laid out 66 feet

wide, and running thence binding on the east side of said Penn Street, Northerly 20 feet, more or less, to intersect the north side of the former bed of said Lemmon Street; thence binding on the north side of the former bed of said Lemmon Street, Easterly 80.5 feet, more or less, to the easternmost extremity of the former bed of said Lemmon Street; thence binding on the easternmost extremity of the former bed of said Lemmon Street, Southerly 20 feet, more or less, to the south side of the former bed of said Lemmon Street, and thence binding on the south side of the former bed of said Lemmon Street, Westerly 80.5 feet, more or less, to the place of beginning.

TOGETHER with the improvements thereon and the rights and appurtenances thereto belonging or in anywise appertaining.

The use of this property is no longer needed by the Mayor and City Council of Baltimore.

SEC. 2. *And be it further ordained*, That no deed or deeds pass in accordance herewith until the same shall have been first approved by the City Solicitor.

SEC. 3. *And be it further ordained*, That this ordinance shall take effect from the date of its passage.

Approved June 3, 1981.

WILLIAM DONALD SCHAEFER, *Mayor*.



No. 308

(Council No. 488)

AN ORDINANCE concerning

CITY STREET — OPENING CERTAIN STREETS AND  
ALLEYS OR PORTIONS THEREOF IN THE ~~EAST~~  
~~AREA PARTNERSHIP URBAN RENEWAL~~ ORLEANS  
SQUARE URBAN DEVELOPMENT ACTION  
GRANT PROJECT

FOR the purpose of condemning and opening certain streets and alleys or portions thereof lying within the area of the ~~East Area Partnership Urban Renewal~~ ORLEANS SQUARE URBAN DEVELOPMENT ACTION GRANT Project in accordance with a plat thereof numbered 339-A-1, prepared by the Surveys and Records Division and filed in the Office of the Department of Public Works, on the Eighteenth (18th) day of December, 1980.

BY authority of

Article I—General Provisions

Section 4

Article II—General Provisions

Sections 2, 34, 35

Baltimore City Charter (1964 Revision, as amended).

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That the Department of Public Works be, and they are hereby authorized and directed to condemn and open certain streets and alleys or portions thereof lying within the area of the ~~East Area Partnership Urban Renewal~~ ORLEANS SQUARE URBAN DEVELOPMENT ACTION GRANT Project the streets and alleys hereby directed to be condemned for said opening being described as follows:

Sheet 1 of 1 includes certain streets and alleys within the area bounded by Orleans Street, Montford Avenue, Fayette Street and Patterson Park Avenue said streets and alleys are numbered from one to three on said sheet and described as follows:

1—An alley, 4 feet wide, laid out 46 feet south of Orleans Street, 66 feet wide, and extending from Bradford Street, 20 feet wide, Westerly 61 feet to a 14 foot alley laid out 61 feet west of said Bradford Street and designated as Parcel No. 1.

2—An alley, 14 feet wide, laid out 61 feet west of Bradford Street, 20 feet wide, and extending from the northernmost extremity thereof, Southerly 13 feet, more or less, to the line of the south outline of the property known as No. 237 N. Patterson Park Avenue, if projected easterly, and designated as Parcel No. 2.

3—Bradford Street, 20 feet wide, and extending from Orleans Street, 66 feet wide, Southerly 290 feet, more or less, to the line of the north side of a 10 foot alley laid out 75 feet north of Fayette Street, 70 feet wide, if projected easterly and designated as Parcel No. 3.

the said street and alleys as directed to be condemned being more particularly described and referred to among the Land Records of Baltimore City and delineated and particularly shown on a plat numbered 339-A-1 which was filed in the Office of the Department of Public Works on the Eighteen (18th) day of December, in the year 1980, and is now on file in said Office.

SEC. 2. *And be it further ordained*, That the proceedings of said Department of Public Works, with reference to the condemnation and openings of said street and alleys and the proceedings and rights of all parties interested or affected thereby, shall be regulated by, and be in accordance with, any and all applicable provisions of Article 4 of the Code of Public Local Laws of Maryland and the Charter of Baltimore City (1964 Revision) as amended July 1, 1973 and any and all amendments thereto, and any and all other Acts of the General Assembly of Maryland, and any and all ordinances of the Mayor and City Council of Baltimore, and any and all rules or regulations in effect which have been adopted by the Director of Public Works and filed with the Department of Legislative Reference.

SEC. 3. *And be it further ordained*, That this Ordinance shall take effect from the date of its passage.

Approved June 3, 1981.

WILLIAM DONALD SCHAEFER, *Mayor*.

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No. 309

(Council No. 489)

AN ORDINANCE concerning

CITY STREET — CLOSING CERTAIN STREETS AND  
ALLEYS OR PORTIONS THEREOF IN THE ~~EAST~~  
~~AREA PARTNERSHIP URBAN RENEWAL~~ ORLEANS  
SQUARE URBAN DEVELOPMENT ACTION  
GRANT PROJECT

FOR the purpose of condemning and closing certain streets and alleys or portions thereof lying within the area of the ~~East Area Partnership Urban Renewal~~ ORLEANS SQUARE URBAN DEVELOPMENT ACTION GRANT Project in accordance with a plat thereof numbered 339-A-1A, prepared by the Surveys and Records Division and filed in the Office of the Department of Public Works, on the Eighteenth (18th) day of December, 1980.

BY authority of

Article I—General Provisions

Section 4

Article II—General Provisions

Sections 2, 34, 35

Baltimore City Charter (1964 Revision, as amended).

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That the Department of Public Works be, and they are hereby authorized and directed to condemn and close certain streets and alleys or portions thereof lying within the area of the ~~East Area Partnership Urban Renewal~~ ORLEANS SQUARE URBAN DEVELOPMENT



**ACTION GRANT** Project the streets and alleys hereby directed to be condemned for said closing being described as follows:

Sheet 1 of 1 includes certain streets and alleys within the area bounded by Orleans Street, Montford Avenue, Fayette Street and Patterson Park Avenue said streets and alleys are numbered from one to three on said sheet and described as follows:

1—An alley, 4 feet wide, laid out 46 feet south of Orleans Street, 66 feet wide, and extending from Bradford Street, 20 feet wide, Westerly 61 feet to a 14 foot alley laid out 61 feet west of said Bradford Street and designated as Parcel No. 1.

2—An alley, 14 feet wide, laid out 61 feet west of Bradford Street, 20 feet wide, and extending from the northernmost extremity thereof, Southerly 13 feet, more or less, to the line of the south outline of the property known as No. 237 N. Patterson Park Avenue, if projected easterly, and designated as Parcel No. 2.

3—Bradford Street, 20 feet wide, and extending from Orleans Street, 66 feet wide, Southerly 290 feet, more or less, to the line of the north side of a 10 foot alley laid out 75 feet north of Fayette Street, 70 feet wide, if projected easterly and designated as Parcel No. 3.

the said street and alleys as directed to be condemned being more particularly described and referred to among the Land Records of Baltimore City and delineated and particularly shown on a plat numbered 339-A-1A which was filed in the Office of the Department of Public Works on the Eighteenth (18th) day of December in the year 1980, and is now on file in said Office.

**SEC. 2.** *And be it further ordained,* That after said highway or highways shall have been closed under the provisions of this Ordinance, all subsurface structures and appurtenances now owned by the Mayor and City Council of Baltimore, shall be and continue to be the property of the Mayor and City Council of Baltimore, in fee simple, until the use thereof shall be abandoned by the Mayor and City Council of Baltimore, and in the event that any person, firm

or corporation shall desire to remove, alter or interfere therewith, such person, firm or corporation shall first obtain permission and permits therefor from the Mayor and City Council of Baltimore, and shall in the application for such permission and permits agree to pay all costs and charges of every kind and nature made necessary by such removal, alteration or interference.

SEC. 3. *And be it further ordained*, That no buildings or structures of any kind shall be constructed or erected in said portion of said highway or highways after the same shall have been closed under the provisions of this Ordinance until the subsurface structures and appurtenances now owned by the Mayor and City Council of Baltimore, over which said buildings or structures are proposed to be constructed or erected shall have been abandoned or shall have been removed and relaid in accordance with the specifications and under the direction of the Director of Public Works of Baltimore City, and at the expense of the person or persons or body corporate desiring to erect such buildings or structures. Railroad tracks shall be taken to be "structures" within the meaning of this section.

SEC. 4. *And be it further ordained*, That after said highway or highways shall have been closed under the provisions of this Ordinance, all subsurface structures and appurtenances owned by any person, firm or corporation, other than the Mayor and City Council of Baltimore, shall upon notice from the Director of Public Works of Baltimore City, be promptly removed by and at the expense of the said owners.

SEC. 5. *And be it further ordained*, That on and after the closing of said highway or highways, the said Mayor and City Council of Baltimore, acting through its duly authorized representatives, shall, at all times, have access to said property and to all subsurface structures and appurtenances used by it therein, for the purposes of inspection, maintenance, repair, alteration, relocation and/or replacement, of any or all of said structures and appurtenances, and this without permission from or compensation to the owner or owners of said land.

SEC. 6. *And be it further ordained*, That the proceedings of said Department of Public Works with reference to the condemnation and closing of said street and alleys and the proceedings and rights of all parties interested or affected thereby, shall be regulated by, and be in accordance with, any and all applicable provisions of Article 4 of the Code of Public Local Laws of Maryland and the Charter of Baltimore City (1964 Revision) as amended to July 1, 1973 and any and all amendments thereto, and any and all other Acts of the General Assembly of Maryland, and any and all ordinances of the Mayor and City Council of Baltimore, and any and all rules or regulations in effect which have been adopted by the Director of Public Works and filed with the Department of Legislative Reference.

SEC. 7. *And be it further ordained*, That this Ordinance shall take effect from the date of its passage.

Approved June 3, 1981.

WILLIAM DONALD SCHAEFER, *Mayor*.

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No. 310

(Council No. 547)

AN ORDINANCE concerning

BUILDING CODE WAIVER—

~~100 N. PACA STREET~~

500 WEST FAYETTE STREET

FOR the purpose of waiving a provision of the Building Code to permit the construction and maintenance of an outdoor cafe ~~approximately 50 feet by 8 feet~~ SIXTY-ONE FEET TWO INCHES BY EIGHT FEET EIGHT INCHES in area on the ~~sidewalk adjoining 100 North Paca Street~~ PACA STREET SIDE OF THE PREMISES KNOWN AS 500 WEST FAYETTE STREET.



BY waiving

Article 32—Building Code

Paragraphs 2135 & 2138

Baltimore City Code (1976 Edition, as amended)

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That Paragraphs 2135 & 2138 of Article 32 of the Baltimore City Building Code be waived in order to permit the construction and maintenance of ~~an outdoor cafe not more than 8 feet from the east wall of the improvements known as 100 North Paca Street in the adjoining sidewalk area on Paca Street.~~ The sidewalk cafe shall be approximately 50 feet long MASONRY WALLS APPROXIMATELY 3 FEET TO 5 FEET IN HEIGHT EXTENDING NOT MORE THAN 8'8" FROM THE EAST WALL OF THE IMPROVEMENTS KNOWN AS 500 WEST FAYETTE STREET INTO THE SIDEWALK ON THE PACA STREET SIDE OF THE PREMISES. THESE WALLS SHALL EXTEND FOR A DISTANCE OF 61'2" PARALLEL TO PACA STREET AND THE SURFACE OF THE ENCLOSED SIDEWALK AREA SHALL BE COVERED WITH BRICK PAVERS OR OTHER APPROVED MATERIAL.

SEC. 2. *And be it further ordained*, That this ordinance shall take effect upon the date of its passage.

Approved June 3, 1981.

WILLIAM DONALD SCHAEFER, *Mayor*.

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No. 311

(Council No. 554)

AN ORDINANCE concerning

SUPPLEMENTARY APPROPRIATION—  
DEPARTMENT OF PUBLIC WORKS

FOR the purpose of providing a supplementary motor vehicle fund appropriation in the amount of Five Million

Nine Hundred Ninety-Three Thousand Six Hundred Eighty-Nine Dollars (\$5,993,689) to the Department of Public Works to be used for additional debt service which could not reasonably be anticipated at the time of formulation of the proposed fiscal 1981 Ordinance of Estimates.

BY authority of

Article VI—Board of Estimates

Section 2(h) (3)

Baltimore City Charter (1964 Revision, as amended)

WHEREAS, the money appropriated herein represents revenue produced by State-shared Highway User Taxes in excess of the revenue estimated and relied upon by the Board of Estimates in determining the tax levy required to balance the budget for the fiscal year 1981 and is therefor available for appropriation to the Department of Public Works pursuant to the provisions of Article VI, Section 2(h) (3) of the 1964 revised Charter of Baltimore City; and

WHEREAS, the additional sum here appropriated is for a program included in the current Ordinance of Estimates and said sum is made necessary by a material change in circumstances since the formulation and adoption of such ordinance, in accordance with Article VI, Section 2(h) (3) of said Charter; and

WHEREAS, the supplementary motor vehicle fund appropriation ordained herein has been recommended to the City Council by the Board of Estimates, said recommendation having been made at a regular meeting of said Board held on the 4th day of March, 1981, all in accordance with Article VI, Section 2(h) (3) of said Charter.

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That under the provisions of Article VI, Section 2 of the 1964 revision of the Charter of Baltimore City as amended, the sum of Five Million Nine Hundred Ninety-Three Thousand Six Hundred Eighty-Nine (\$5,993,689) shall be made available to the Department of Public Works as a supplementary motor vehicle fund appropriation for the fiscal year ending June 30, 1981, for the purpose of additional debt service which could not

reasonably be anticipated at the time of formulation of the proposed fiscal 1981 Ordinance of Estimates. The amount thus made available as a supplementary motor vehicle fund appropriation shall be expended from revenue derived from State-shared Highway User Taxes in excess of the amount from this source which was estimated and relied upon by the Board of Estimates in determining the tax levy required to balance the budget for the 1981 fiscal year; and said funds shall be the source of revenue for this supplementary motor vehicle fund appropriation, as required by Article VI, Section 2 of the Baltimore City Charter (1964 Revision, as amended).

SEC. 2. *And be it further ordained*, That this ordinance shall take effect from the date of its passage.

Approved June 3, 1981.

WILLIAM DONALD SCHAEFER, *Mayor*.

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No. 312

(Council No. 567)

AN ORDINANCE concerning

SUPPLEMENTARY APPROPRIATION—  
DEPARTMENT OF RECREATION AND PARKS

FOR the purpose of providing a supplementary general fund appropriation in the amount of Six Hundred Thousand Dollars (\$600,000) to the Department of Recreation and Parks to be used for additional operating expenses of Memorial Stadium and the municipal golf courses.

BY authority of

Article VI—Board of Estimates

Section 2(h) (1)

Baltimore City Charter (1964 Revision as amended)

WHEREAS, the money appropriated herein represents revenue produced by charges to users of Memorial Stadium



and municipal golf courses in excess of the revenue estimated and relied upon by the Board of Estimates in determining the tax levy required to balance the budget for the 1981 fiscal year, and said money is therefore available for appropriation to the Department of Recreation and Parks pursuant to the provisions of Article VI, Section 2(h) (1) of the Baltimore City Charter (1964 Revision as amended) ; and

WHEREAS, the supplementary general fund appropriation ordained herein has been recommended to the City Council by the Board of Estimates, said recommendation having been made at a regular meeting of said Board held on the 11th day of March, 1981, all in accordance with Article VI, Section 2(h) (1) of said Charter.

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That under the provisions of Article VI, Section 2(h) (1) of the 1964 revision of the Charter of Baltimore City as amended, the sum of Six Hundred Thousand Dollars (\$600,000) shall be made available to the Department of Recreation and Parks of the City of Baltimore as a supplementary general fund appropriation for the fiscal year ending June 30, 1981 for the purpose of additional expenses of the Memorial Stadium and the municipal golf courses. The amount thus made available as a supplementary general fund appropriation shall be expended from revenue derived from charges to users of Memorial Stadium and municipal golf courses in excess of the amount from this source which was estimated or relied upon by the Board of Estimates in determining the tax levy required to balance the budget for the 1981 fiscal year; and said funds from said charges to users of Memorial Stadium and municipal golf courses shall be the source of revenue for this supplementary general fund appropriation, as required by Article VI, Section 2(h) (1) of the Baltimore City Charter (1964 Revision as amended).

SEC. 2. *And be it further ordained*, That this ordinance shall take effect from the date of its passage.

Approved June 3, 1981.

WILLIAM DONALD SCHAEFER, *Mayor*.

No. 313  
(Council No. 583)

AN ORDINANCE concerning

SUPPLEMENTARY APPROPRIATION—  
MUSEUM OF ART

FOR the purpose of providing a supplementary general fund appropriation in the amount of Sixty-One Thousand Dollars (\$61,000) to the Museum of Art to be used for additional operating expenses which could not reasonably be anticipated at the time of formulation of the proposed fiscal 1981 Ordinance of Estimates.

BY authority of

Article VI—Board of Estimates

Section 2(h) (3)

Baltimore City Charter (1964 Revision as amended)

WHEREAS, the money appropriated herein represents revenue produced by the City share of State Racing Revenues in excess of the amount from this source estimated and relied upon by the Board of Estimates in determining the tax levy required to balance the budget for the 1981 fiscal year, and said money is therefore available for appropriation to the Museum of Art pursuant to the provisions of Article VI, Section 2(h) (3) of the Baltimore City Charter (1964 Revision as amended); and

WHEREAS, the additional sum here appropriated is for a program included in the current principal Ordinance of Estimates and is made necessary by a material change in circumstances since the formulation and adoption of such Ordinance, in accordance with Article VI, Section 2(h) (3) of said Charter; and

WHEREAS, the supplementary general fund appropriation ordained herein has been recommended to the City Council by the Board of Estimates, said recommendation having been made at a regular meeting of said Board held on the 1st day of April, 1981, all in accordance with Article VI, Section 2(h) (3) of said Charter.

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore,* That under the provisions of Article VI,

Section 2 of the 1964 revision of the Charter of Baltimore City, the sum of Sixty-One Thousand Dollars (\$61,000) shall be made available to the Museum of Art as a supplementary general fund appropriation for the fiscal year ending June 30, 1981, for the purpose of additional operating expenses which could not reasonably be anticipated at the time of formulation of the proposed fiscal 1981 Ordinance of Estimates. The amount thus made available as a supplementary general fund appropriation shall be expended from revenue derived from the City share of State Racing Revenues in excess of the amount from this source which was estimated or relied upon by the Board of Estimates in determining the tax levy required to balance the budget for the 1981 fiscal year; and said funds from said City share of State Racing Revenues shall be the source of revenue for this supplementary general fund appropriation, as required by Article VI, Section 2 of the Baltimore City Charter (1964 Revision as amended).

SEC. 2. *And be it further ordained*, That this ordinance shall take effect from the date of its passage.

Approved June 3, 1981.

WILLIAM DONALD SCHAEFER, *Mayor*.

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No. 314

(Council No. 620)

AN ORDINANCE concerning

MIDFA LOAN TO MAYOR AND CITY COUNCIL  
OF BALTIMORE FOR THE BENEFIT OF  
GARAMOND/PRIDEMARK PRESS, INC.

FOR the purpose of authorizing and empowering Mayor and City Council of Baltimore, pursuant to and in accordance with the Maryland Industrial Development Financing Authority Act, to borrow, as a limited obligation and not upon the faith and credit of Mayor and City Council of Baltimore, a sum of money not to exceed \$1,300,000, and to lend the proceeds of such borrowing to Garamond/Pridemark Press, Inc., a Maryland cor-



poration, to be used for the purpose of paying a portion of the costs of acquiring a certain industrial project (within the meaning of such Act) consisting of (a) the acquisition of a tract of land containing approximately 3.2 acres and the improvements thereon, located near Dukeland Street and Wilmarco Avenue, being Lot 3 in the Crossroads Industrial Center in Baltimore City, and (b) the construction on the land of a building containing approximately 42,990 square feet, which industrial project will be used by Garamond/Pridemark Press, Inc. in its business of high quality color printing; authorizing and empowering the Mayor and other appropriate officials of the City (a) to accept, on behalf of the City, the letter of intent of Garamond/Pridemark Press, Inc., dated February 6, 1981, and (b) to execute any and all documents necessary to effectuate and to secure payment of the aforesaid borrowing, lending, and acquisition; conferring and imposing upon the Department of Housing and Community Development certain powers and duties and providing that Garamond/Pridemark Press, Inc. shall agree to submit certain plans and specifications to, and coordinate with, the Department of Housing and Community Development in connection with the acquisition of such industrial project; providing that such borrowing must be consummated within six months from the date this Ordinance is approved by the Mayor, unless an extension of such authorization is granted, as provided in this Ordinance; making certain legislative findings; providing that the faith and credit of Mayor and City Council of Baltimore shall not be deemed to be pledged hereby; and generally providing for and determining various matters and details in connection with such borrowing, relending, and acquisition.

**BY authority of**

MIDFA Act—Title 13, Sections 13-101 through 13-155, inclusive, of the Financial Institutions Article of the Annotated Code of Maryland (1980 Volume and 1980 Supplement), as amended.

**RECITALS**

WHEREAS, Ordinance No. 1022, approved November 24, 1975, was enacted transferring all the duties and

responsibilities of Baltimore City Economic Development Commission to the Department of Housing and Community Development, thereby vesting in such Department certain powers and duties to be exercised in connection with aiding the industrial growth of Baltimore City; and

WHEREAS, pursuant to Title 13, Sections 13-101 through 13-155, inclusive, of the Financial Institutions Article of the Annotated Code of Maryland (1980 Volume and 1980 Supplement), as amended (the "MIDFA Act"), Mayor and City Council of Baltimore (the "City"), a "public body" as defined in Section 13-101(o) of the MIDFA Act, has received a letter of intent dated February 6, 1981 (the "Letter of Intent"), from Garamond/Pridemark Press, Inc., a Maryland corporation (the "Corporation") and an "industrial project applicant" as mentioned in Section 13-141(c)(2) of the MIDFA Act, requesting the City to participate in the financing of the acquisition by the Corporation of a certain industrial project (the "Industrial Project") to be located in Baltimore City, Maryland, and being more particularly described herein, by borrowing from a commercial bank or other lender which is a "mortgagee" within the meaning of the MIDFA Act (the "Lender") a sum of money not to exceed \$1,300,000 (the "Loan"); and

WHEREAS, Section 13-140 of the MIDFA Act authorizes, among other things, a public body of the State of Maryland (the "State"), to borrow money without pledging its faith and credit in support of a loan made under the MIDFA Act and to execute a mortgage to secure the mortgage loan, for the purpose of defraying the cost of acquiring any industrial project approved by the Maryland Industrial Development Financing Authority ("MIDFA"); and

WHEREAS, Section 13-141 of the MIDFA Act provides that the funds to be borrowed by the public body shall be utilized in connection with a "bona fide industrial project" as evidenced by a letter of intent or similar agreement between the prospective industrial project applicant and the public body borrowing the money; and

WHEREAS, Section 13-140 of the MIDFA Act provides that the public body of the State may borrow money to relend to an industrial project applicant under Section 13-151, and Section 13-151 of the MIDFA Act provides that, at its option, the industrial project applicant may be the mortgagor instead of the public body and give a mortgage to the mortgagee (as defined in the MIDFA Act) directly or to the public body to be assigned to the mortgagee; and

WHEREAS, at its February 26, 1981 meeting, MIDFA approved a mortgage loan for the Industrial Project and the insurance by MIDFA of a portion of the "mortgage payments" (as defined in the MIDFA Act) to be made with respect to the mortgage loan; and

WHEREAS, the City has determined, based upon the findings and determinations hereinafter set forth, that it is in the best interests of the citizens of Baltimore City that the City accept the Letter of Intent and participate in the financing of the Industrial Project.

NOW, THEREFORE, PURSUANT TO AND IN ACCORDANCE WITH THE PROVISIONS OF THE MIDFA ACT:

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That it is hereby found and determined as follows:

(a)' the financing of the acquisition of the Industrial Project will fulfill and accomplish the declared purposes of the MIDFA Act, which are to further industrial expansion in the State and discourage the relocation of industry outside the State, to increase employment, and to provide a larger taxable base for the economy of the State, resulting in new and expanded industrial enterprises to provide enlarged opportunities for gainful employment by the people of the State, and thus to insure the preservation and betterment of the economy of the State; and, accordingly it is in the best interests of the citizens of Baltimore City that the City participate in the financing of the acquisition of the Industrial Project;

(b)' the Industrial Project is an "industrial project," as defined in Section 13-101(g) of the MIDFA Act, and,



as evidenced by the Letter of Intent, the funds to be borrowed by the City (to finance the acquisition (within the meaning of the Act) of the Industrial Project) will be utilized in connection with the acquisition (within the meaning of the MIDFA Act) of a "bona fide industrial project," as mentioned in Section 13-141(c)(2) of the MIDFA Act, for the use and benefit of the Corporation, a "prospective industrial project applicant," as mentioned in Section 13-141(c)(2) of the MIDFA Act; and

(c) MIDFA, at its February 26, 1981 meeting, approved a mortgage loan for the Industrial Project and the insurance by MIDFA of a portion of the "mortgage payments" (as defined in the MIDFA Act) to be made with respect to the mortgage loan; and

(d) the Corporation has exercised its option pursuant to Section 13-151 of the MIDFA Act to be a mortgagor (as defined in Section 13-101(1) of the MIDFA Act), and accordingly this Ordinance contemplates and authorizes a transaction in the form of a loan to the Corporation of proceeds of the Loan.

SEC. 2. *And be it further ordained*, That the City is hereby fully authorized and empowered to borrow from the Lender a sum of money not to exceed \$1,300,000 (the "Loan") for a term not to exceed twenty-five (25) years. The Loan will bear interest at an annual rate which is at all times equal to seventy per cent (70%) of the fluctuating commercial prime rate of interest in effect at the Lender from time to time (the "Tax-Exempt Rate"); provided, however, that in the event it is at any time determined that the interest on the Loan is for any reason not exempt from federal income taxes, the rate of interest payable on the Loan shall be increased, retroactively and prospectively, to a rate of interest not to exceed the fluctuating commercial prime rate of interest in effect at the Lender from time to time *plus* two per cent (2%) per annum (the "Taxable Rate"). The interest rate payable on the Loan may be subject to adjustment or modification under certain circumstances and upon the terms and conditions set forth in the Loan Documents (hereinafter defined); however, in no event shall the interest rate payable on the Loan exceed the Taxable Rate. Interest shall be calcu-

lated on the basis of a 360-day year factor applied to actual days elapsed. Additional interest on the Loan, in the total amount of \$26,000, will be payable during the period of acquisition of the Industrial Project.

SEC. 3. *And be it further ordained*, That the City will cause the proceeds of the Loan to be used for the purpose of paying a portion of the costs of acquiring the Industrial Project, which Industrial Project will consist of (a) the acquisition of a tract of land containing approximately 3.2 acres and the improvements thereon, located near Dukeland Street and Wilmarco Avenue, being Lot 3 in the Crossroads Industrial Center in Baltimore City (the "Land"), and (b) the construction on the Land of a building containing approximately 42,990 square feet (the "Building"). The Industrial Project will be used by the Corporation in its business of high quality color printing.

SEC. 4. *And be it further ordained*, That the City will lend the proceeds of the Loan to the Corporation, which shall use the proceeds of the Loan for the sole purpose of paying a portion of the costs of acquiring the Industrial Project.

SEC. 5. *And be it further ordained*, That, as described generally in the Letter of Intent and as contemplated by the MIDFA Act:

(a) the Loan will be secured by a mortgage or deed of trust, or by an assignment of mortgage or deed of trust, covering the Industrial Project, but the City shall in no event pledge its faith and credit; and the Loan, and the interest thereon, will be repaid by the City solely from payments to be made by the Corporation to the City pursuant to the Loan Documents (hereinafter defined) and from any other sources approved by the City, agreed to by the Corporation and the Lender, and permitted by the MIDFA Act;

(b) the Corporation will make payments under the Loan Documents sufficient to pay (i) the principal of and interest on the Loan, (ii) all taxes and payments in lieu of taxes, and (iii) any expenses incurred by the City in

connection with the administration of the Loan, all as the same become due and payable; and

(c) any costs of acquiring the Industrial Project in excess of the proceeds of the Loan will be paid by the Corporation.

SEC. 6. *And be it further ordained*, That the City will not incur any liability, direct or indirect, or any cost, direct or indirect, in connection with the aforesaid borrowing or lending or the acquisition of the Industrial Project, and the Industrial Project will be acquired so as to conform to the requirements of the Corporation; accordingly, the Corporation shall (a) select and work with the suppliers and contractors which will undertake the construction of the Building and will negotiate and approve all contracts, construction plans and specifications, and financing arrangements in connection with the acquisition of the Industrial Project, and (b) pay all necessary costs incurred by or on behalf of the City in connection with the aforesaid financing, including the administration thereof, and in connection with the acquisition of the Industrial Project, including (without limitation) all costs incurred in connection with the development of the appropriate legal documents necessary to effectuate the proposed financing and acquisition, including (without limitation) the fees of legal counsel and compensation to any other person (other than full-time employees of the City) performing services by or on behalf of the City in connection with the transactions contemplated by this Ordinance, whether or not the proposed financing and acquisition are consummated.

SEC. 7. *And be it further ordained*, That in connection with the borrowing and the acquisition described in this Ordinance, the Mayor and other appropriate officials of the City of Baltimore are hereby authorized and empowered to:

(a) accept the Letter of Intent in order to materially induce the Corporation to pursue the transactions described therein and to further evidence the present intent of the City to participate in the financing of the acquisition of the Industrial Project; and



(b) execute and to accept such other documents, instruments and certificates as are necessary or appropriate to evidence and secure the obligation of the Corporation to make payments to the City sufficient to pay the principal of and interest on the Loan and to consummate the Loan and the acquisition of the Industrial Project, including, but not limited to, any and all leases, loan agreements, financing agreements, mortgages, deeds of trust, notes, assignments, security agreements, consolidation agreements, and any and all necessary financing statements, the form and substance of all of which (other than financing statements and other customary closing certificates and documents) shall be approved by the Board of Estimates of the City (the "Board of Estimates") as hereinafter provided. All of such documents, instruments and certificates are herein sometimes collectively referred to as the "Loan Documents".

SEC. 8. *And be it further ordained*, That, notwithstanding anything contained in this Ordinance or in any document authorized herein to be executed, or the execution and delivery of any document authorized herein, neither the faith and credit nor the taxing power of the City shall be deemed to be pledged hereby, and the City shall at no time be required to exercise its taxing power in order to implement the transactions authorized hereby. Nothing contained in this Ordinance shall be deemed or construed in any way to create or constitute a debt of the City within the meaning of any constitutional, statutory or other debt limitation provision, or to constitute any act or purpose other than that contemplated by the MIDFA Act. Neither the Loan to be made to the City by the Lender nor the interest thereon shall ever constitute an indebtedness or a charge against the general credit or taxing powers of the City, within the meaning of any constitutional or charter provision or statutory limitation, and neither shall ever constitute or give rise to any pecuniary liability of the City.

SEC. 9. *And be it further ordained*, That the terms and provisions and form and substance of any and all documents and instruments to be executed or entered into by the City in connection with the transactions authorized by

this Ordinance, other than customary closing certificates and documents and financing statements, shall be approved by the Board of Estimates prior to the execution and delivery thereof by the Mayor of the City.

SEC. 10. *And be it further ordained*, That any and all necessary financing statements required for the consummation of the transactions authorized by this Ordinance may be executed on behalf of the City by the Mayor of the City or by the Chief, Bureau of Treasury Management of the City or by such other appropriate official of the City as may be designated by the Mayor of the City to execute such financing statements.

SEC. 11. *And be it further ordained*, That the Department of Housing and Community Development is hereby fully authorized and empowered, for the purpose of this Ordinance only:

(a) To promote, make investigations, conduct preliminary negotiations, and do any and all other things necessary and proper to expedite the consummation of the transactions authorized by this Ordinance, all pursuant and subject to the provisions of the Charter of Baltimore City; and

(b) After the transactions authorized by this Ordinance have been fully consummated, the Department of Housing and Community Development shall do any and all other things necessary, proper or expedient to assure the full performance by the Corporation of any and all of the terms and provisions in any and all agreements entered into between the City and the Corporation, all of which shall be subject to the provisions of the Charter of Baltimore City.

SEC. 12. *And be it further ordained*, That the Corporation shall agree, in the Loan Documents, that:

(a) it will submit any plans and specifications for the construction of the Building to the Department of Housing and Community Development for approval;

(b) it understands that, in addition to the economic feasibility of the acquisition of the Industrial Project, the

Department of Housing and Community Development may consider, without limitation, the suitability of the site plan, architectural treatment, building plans, elevations, materials, color, construction details, access, parking, loading, landscaping, identification signs, exterior lighting, refuse collection details, streets, sidewalks, and harmony between the plans and the surroundings of the proposed Industrial Project; and that the Department of Housing and Community Development may refuse approval of any plans and specifications for aesthetic or functional reasons; and

(c) it and its developers will work with the design advisory group appointed by the Department of Housing and Community Development in order to achieve high quality site, building, and landscape design.

SEC. 13. *And be it further ordained*, That the provisions of this Ordinance are severable, and if any provision, sentence, clause, section or part hereof is held illegal, invalid or unconstitutional or inapplicable to any person or circumstances, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this Ordinance or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this Ordinance would have been passed if such illegal, invalid or unconstitutional provision, sentence, clause, section or part had not been included herein, and if the person or circumstances to which this Ordinance or any part hereof are inapplicable had been specifically exempted herefrom.

SEC. 14. *And be it further ordained*, That the borrowing authorized by this Ordinance must be consummated within six months from the date on which this Ordinance is approved by the Mayor of the City; provided, however, that the Board of Estimates, after a showing of good cause at a public hearing held before the Board of Estimates prior to or after the expiration of such six month period, may extend the period during which the borrowing may be consummated for one additional term not to exceed six months from the date on which the first six month period expired. The Board of Estimates, in its sole discretion



and without action by the City Council, shall determine the sufficiency, or lack thereof, of the reasons presented for any requested extension of the six month period. If an extension is granted, notice of such extension and the reasons therefor must be sent to the City Council. To the extent that the borrowing is not consummated within twelve months from the date on which this Ordinance is approved by the Mayor of the City, the authority provided in this Ordinance for the City to borrow the Loan shall expire.

SEC. 15. *And be it further ordained*, That this Ordinance is passed as official action by the City for the purpose of materially inducing the Corporation to pursue the transaction described in the Letter of Intent, and the Letter of Intent is to be accepted as further evidence of such official action.

SEC. 16. *And be it further ordained*, That this Ordinance shall take effect from the date of its passage.

Approved June 3, 1981.

WILLIAM DONALD SCHAEFER, *Mayor*.

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No. 315

(Council No. 555)

AN ORDINANCE concerning

SUPPLEMENTARY APPROPRIATION—  
DEPARTMENT OF PUBLIC WORKS

FOR the purpose of providing a supplementary general fund appropriation in the amount of One Hundred Thousand Dollars (\$100,000) to the Department of Public Works to be used for pruning or removing trees located in the rights-of-way of City highways and streets.

BY authority of

Article VI—Board of Estimates

Section 2(h) (3)

Baltimore City Charter (1964 Revision, as amended)

WHEREAS, the money appropriated herein represents revenue produced by charges to users of Memorial Stadium in excess of the amount estimated and relied upon by the Board of Estimates in determining the tax levy required to balance the budget for the 1981 fiscal year, and said money is therefore available for appropriation to the Department of Public Works pursuant to the provisions of Article VI, Section 2(h) (3) of the Baltimore City Charter (1964 Revision, as amended) ; and

WHEREAS, the additional sum here appropriated is for a program included in the current principal Ordinance of Estimates and is made necessary by a material change in circumstances since the formulation and adoption of such ordinance, in accordance with Article VI, Section 2(h) (3) of said Charter ; and

WHEREAS, the supplementary general fund appropriation ordained herein has been recommended to the City Council by the Board of Estimates, said recommendation having been made at a regular meeting of said Board held on the 4th day of March, 1981, all in accordance with Article VI, Section 2(h) (3) of said Charter.

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That under the provisions of Article VI, Section 2(h) (3) of the 1964 revision of the Charter of Baltimore City, as amended, the sum of One Hundred Thousand Dollars (\$100,000) shall be made available to the Department of Public Works as a supplementary general fund appropriation for the fiscal year ending June 30, 1981 for the purpose of pruning or removing trees located in the rights-of-way of City highways and streets. The amount thus made available as a supplementary general fund appropriation shall be expended from revenue derived from charges to users of Memorial Stadium in excess of the amount from this source which was estimated or relied upon in determining the tax levy required to balance the budget for the 1981 fiscal year ; and said funds from said charges to users of Memorial Stadium shall be the source of revenue for this supplementary general fund appropriation, as required by Article VI, Section 2(h) (3) of the Baltimore City Charter (1964 Revision, as amended).

SEC. 2. *And be it further ordained*, That this ordinance shall take effect from the date of its passage.

Approved June 5, 1981.

WILLIAM DONALD SCHAEFER, *Mayor*.

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No. 316

(Council No. 576)

AN ORDINANCE concerning

INDUSTRIAL DEVELOPMENT REVENUE BONDS—  
(BROWN'S ARCADE JOINT VENTURE PROJECT)

FOR the purpose of authorizing and empowering Mayor and City Council of Baltimore (the "City") to issue and sell, at any time or from time to time and in one or more series, as limited obligations of the City and not upon its full faith and credit, its industrial development revenue bonds, in the aggregate principal amount not to exceed \$2,000,000, pursuant to the provisions of Sub-section (50) of Article II of the Charter of Baltimore City (1964 Revision), as amended, for the sole and exclusive purpose of financing the costs of the completion by Brown's Arcade Joint Venture, a Maryland general partnership (the "Borrower"), of a certain project in Baltimore City consisting of the acquisition by the Borrower of certain real property located at 312, 314 and 316 North Charles Street and at 16 West Saratoga Street in Baltimore City, and the renovation, rehabilitation and reconstruction by the Borrower of certain improvements thereon, which improvements shall be leased to various tenants, and used by such tenants as business offices, retail stores and parking facilities; authorizing the Mayor of the City, on behalf of the City, to accept the letter of intent dated February 11, 1981 from the Borrower to the City; making certain legislative findings; authorizing and empowering the Board of Finance of the City, by a resolution or resolutions adopted prior to the issuance, sale and delivery



of any series of such bonds, to (a) prescribe, among other things but not limited to, the form, terms, provisions, manner or method of issuing and selling (including negotiated as well as competitive bid sale), and the time or times of issuance, and any and all other details of such bonds, and (b) do any and all things necessary, proper or expedient in connection with the issuance and sale of such bonds; providing that the Borrower shall agree to submit any plans and specifications to, and to coordinate with, the Department of Housing and Community Development in connection with the completion of such project; providing that such bonds must be issued and sold within six months from the date this Ordinance is approved by the Mayor, unless the Board of Finance approves one six month extension as provided in this Ordinance; and generally providing for and determining various matters and details in connection with the issuance and sale of such bonds.

### RECITALS

Sub-section (50) of Article II of the Charter of Baltimore City (1964 Revision), as amended (the "Enabling Law"), empowers Mayor and City Council of Baltimore (the "City") to borrow money to finance undertakings for the accomplishment of any of the purposes, objects and powers of the City and in connection therewith to issue bonds, notes, or other obligations (including refunding bonds, notes or other obligations), all of which shall be fully negotiable, payable, as to both principal and interest, solely from and secured solely by a pledge of (I) the revenues from or arising in connection with the property, facilities, developments and improvements whose financing is undertaken by the issuance of such bonds, notes or other obligations, (II) the revenues from or arising in connection with any contracts, mortgages or other securities purchased or otherwise acquired with the proceeds of such bonds, notes or other obligations, (III) the contracts, mortgages or other securities purchased or otherwise acquired with the proceeds of such bonds, notes or other obligations, or (IV) any combination of (I), (II) or (III). The purposes,

objects and powers of the City contemplated by the Enabling Law include the relief of conditions of unemployment in Baltimore City, encouraging the increase of industry and a balanced economy in Baltimore City, promoting economic development in Baltimore City, and promoting the health, welfare and safety of the residents of Baltimore City.

The City has received a letter of intent dated February 11, 1981 (the "Letter of Intent") from Brown's Arcade Joint Venture, a Maryland general partnership (the "Borrower"), pursuant to which the Borrower has requested the City to participate in the financing of the costs of the completion by the Borrower of a certain project in Baltimore City, Maryland (the "Project"), by issuing and selling the City's industrial development revenue bonds in the aggregate principal amount not to exceed \$2,000,000 (the "Bonds"), and by making the proceeds of the Bonds available to the Borrower to be used by the Borrower for the sole and exclusive purpose of financing the costs of the completion of the Project by the Borrower.

The Project, which is an "undertaking" which will accomplish the purposes, objects and powers of the City as mentioned in the Enabling Law, will consist generally of (a) the acquisition of certain real property located at 312, 314 and 316 North Charles Street and at 16 West Saratoga Street in Baltimore City and (b) the renovation, rehabilitation and reconstruction of the improvements located thereon. Upon completion, the Project will be leased by the Borrower to various tenants whose identities are unknown at this time and used by such tenants as business offices, retail stores and parking facilities.

The Enabling Law provides that the City may authorize and empower the Board of Finance of the City (the "Board") by resolution to determine and set forth the form, terms, provisions, manner or method of issuing and selling (including negotiated as well as competitive bid sale), and the time or times of issuance, and any and all other details of the Bonds and the issuance and

sale thereof, and to do any and all things necessary, proper or expedient in connection with the issuance and sale of the Bonds.

NOW THEREFORE, IN ACCORDANCE WITH THE ENABLING LAW:

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That acting pursuant to the Enabling Law, it is hereby found and determined as follows:

(1) The issuance and sale of the Bonds by the City pursuant to the Enabling Law in order to make the proceeds thereof available to the Borrower for the sole and exclusive purpose of financing the costs of completion of the Project will facilitate and expedite the completion of the Project by the Borrower.

(2) The completion of the Project by the Borrower and the financing of the costs of such completion as provided in this Ordinance will serve to promote the general purposes contemplated by the Enabling Law by (a) creating new job opportunities, thus relieving conditions of unemployment in Baltimore City and (b) promoting economic development and a balanced economy in Baltimore City.

(3) Any and all of the Bonds shall not be general obligations of the City and shall not be a pledge of or involve the faith and credit or the taxing power of the City, and shall not constitute a debt of the City, all within the meaning of Section 7 of Article XI of the Constitution of Maryland or within the meaning of any other constitutional, statutory or charter provision limiting or restricting the sale or issuance of bonds, notes or other obligations of the City. All of the Bonds shall be limited obligations of the City, and shall be fully negotiable, payable, as to both principal and interest, solely from and secured solely by a pledge of (I) the revenues from or arising in connection with the Project, (II) the revenues from or arising in connection with any contracts, mortgages or other securities purchased or otherwise acquired with the proceeds of the Bonds, (III) the contracts, mortgages or other securities purchased or otherwise acquired with the proceeds of the Bonds, or (IV) any combination of (I), (II) or (III), all



as the Board may approve by a resolution or resolutions adopted prior to the issuance, sale and delivery of any of the Bonds.

SEC. 2. *And be it further ordained*, That the City is hereby authorized and empowered to issue and sell, at any time or from time to time and in one or more series, as limited obligations of the City and not upon its full faith and credit, its industrial development revenue bonds, in the aggregate principal amount not to exceed \$2,000,000, subject to the provisions of this Ordinance. The proceeds of the Bonds will be made available to the Borrower under terms and conditions approved by the Board and set forth in a Resolution, and used by the Borrower for the sole and exclusive purpose of financing the costs of the completion of the Project.

SEC. 3. *And be it further ordained*, That this Ordinance constitutes the present intent of the City to issue the Bonds, and the Mayor of the City is hereby authorized to accept the Letter of Intent on behalf of the City in order to further evidence the present intent of the City to issue the Bonds in accordance with the terms and provisions of this Ordinance.

SEC. 4. *And be it further ordained*, That, as permitted by the Enabling Law, the Board is hereby authorized and empowered, by a resolution or resolutions adopted prior to the issuance, sale and delivery of any of the Bonds, to:

(a) prescribe, among other things but not limited to, the form, terms, provisions, manner or method of issuing and selling (including negotiated as well as competitive bid sale), and the time or times of issuance, and any and all other details of the Bonds and the issuance and sale thereof;

(b) approve (i) the pledge or assignment by the City of any of the security described in Section 5 of this Ordinance, pursuant to a trust agreement or similar agreement, (ii) the form of any such trust agreement or similar agreement, as provided in the Enabling Law, and (iii) such pro-

visions in any such trust agreement or similar agreement as the Board may deem reasonable and proper for the security of the holders of the Bonds;

(c) approve the terms and conditions, including but not limited to the terms and conditions of any documents to be executed and delivered by the City (other than customary financing statements and closing certificates), under which the proceeds of the Bonds will be made available to the Borrower to finance the costs of the completion of the Project; and

(d) do any and all things necessary, proper or expedient in connection with the issuance, sale and delivery of the Bonds.

SEC. 5. *And be it further ordained*, That any and all of the Bonds shall not be general obligations of the City and shall not be a pledge of or involve the faith and credit or the taxing power of the City, and shall not constitute a debt of the City, all within the meaning of Section 7 of Article XI of the Constitution of Maryland or any other constitutional, statutory or charter provision limiting or restricting the sale or issuance of bonds, notes or other obligations of the City. All of the Bonds shall be limited obligations of the City, and shall be fully negotiable, payable, as to both principal and interest, solely from and secured solely by a pledge of (I) the revenues from or arising in connection with the Project, (II) the revenues from or arising in connection with any contracts, mortgages or other securities purchased or otherwise acquired with the proceeds of the Bonds, (III) the contracts, mortgages or other securities purchased or otherwise acquired with the proceeds of the Bonds, or (IV) any combination of (I), (II) or (III), all as the Board may approve by a resolution or resolutions adopted prior to the issuance, sale and delivery of any of the Bonds.

SEC. 6. *And be it further ordained*, That the Borrower shall agree that:

(a) it will submit any plans and specifications for the Project to the Department of Housing and Community Development for approval, and that the Department of Housing and Community Development may refuse ap-

proval of any plans and specifications for aesthetic or functional reasons; and

(b) it and its developers will work with the design advisory group appointed by the Department of Housing and Community Development in order to achieve high quality site, building, and landscape design.

SEC. 7. *And be it further ordained*, That any and all of the Bonds shall be executed in the name of the City and on its behalf by the Mayor of the City, by his manual or facsimile signature, and by the Director of Finance of the City, by his manual or facsimile signature, and the corporate seal of the City or a facsimile thereof shall be impressed or otherwise reproduced thereon and attested by the Custodian of the City Seal, by his manual signature. Any trust agreement or other documents as the Board shall deem necessary to effectuate the issuance, sale and delivery of the Bonds shall be executed in the name of the City and on its behalf by the Mayor of the City by his manual or facsimile signature, and the corporate seal of the City or a facsimile thereof shall be impressed or otherwise reproduced thereon and attested by the Custodian of the City Seal by his manual signature. In case any officer whose signature or a facsimile of whose signature shall appear on the Bonds or any of the aforesaid documents shall cease to be such officer before the delivery of the Bonds or any of the other aforesaid documents, such signature or such facsimile shall nevertheless be valid and sufficient for all purposes, the same as if such officer had remained in office until delivery. The Mayor of the City, the Director of Finance of the City, the Custodian of the City Seal and other officials of the City are hereby authorized and empowered to do all such acts and things and execute such documents and certificates as the Board may determine by resolution to be necessary to carry out and comply with the provisions hereof.

SEC. 8. *And be it further ordained*, That any and all necessary financing statements required for the consummation of the transactions authorized by this Ordinance may be executed on behalf of the City by the Mayor of the City or by the Chief, Bureau of Treasury Management of the City or by such other appropriate official of the City



as may be designated by the Mayor of the City to execute such financing statements.

SEC. 9. *And be it further ordained*, That the provisions of this Ordinance are severable, and if any provision, sentence, clause, section or part hereof is held illegal, invalid or unconstitutional or inapplicable to any person or circumstances, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this Ordinance or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this Ordinance would have been passed if such illegal, invalid or unconstitutional provision, sentence, clause, section or part had not been included herein, and if the person or circumstances to which this Ordinance or any part hereof are inapplicable had been specifically exempted herefrom.

SEC. 10. *And be it further ordained*, That the Bonds must be issued and sold within six months from the date on which this Ordinance is approved by the Mayor of the City; provided, however, that the Board, after a showing of good cause at a public hearing held before the Board prior to or after the expiration of such six month period, may extend the period during which the Bonds may be issued and sold for one additional term not to exceed six months from the date on which the first six month period expired. The Board, in its sole discretion, and without action by the City Council, shall determine the sufficiency, or lack thereof, of the reasons presented for any requested extension of the six month period. If an extension is granted, notice of such extension and the reasons therefor must be sent to the City Council. If the Bonds are not issued and sold within twelve months from the date on which this Ordinance is approved by the Mayor of the City, the authority provided in this Ordinance for the City to issue and sell the Bonds shall expire.

SEC. 11. *And be it further ordained*, That this Ordinance shall take effect from the date of its passage.

Approved June 5, 1981.

WILLIAM DONALD SCHAEFER, *Mayor*.

No. 317

(Council No. 595)

AN ORDINANCE concerning

SUPPLEMENTARY APPROPRIATION—  
COMMUNITY COLLEGE OF BALTIMORE

FOR the purpose of providing a supplementary general fund appropriation in the amount of Six Hundred Eight Thousand Five Hundred Dollars (\$608,500) to the Community College of Baltimore to be used for additional operating expenses.

BY authority of

Article VI—Board of Estimates

Section 2(h) (1)

Baltimore City Charter (1964 Revision as amended)

WHEREAS, the money appropriated herein represents revenue produced by Community College Tuition Charges in excess of the revenue estimated and relied upon by the Board of Estimates in determining the tax levy required to balance the budget for the 1981 fiscal year and is therefore available for appropriation to the Community College of Baltimore pursuant to the provisions of Article VI, Section 2(h) (1) of the Baltimore City Charter (1964 Revision as amended) ; and

WHEREAS, the supplementary general fund appropriation ordained herein has been recommended to the City Council by the Board of Estimates, said recommendation having been made at a regular meeting of said Board held on the 25th day of March, 1981, all in accordance with Article VI, Section 2(h) (1) of said Charter.

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That under the provisions of Article VI, Section 2(h) (1) of the 1964 revision of the Charter of Baltimore City as amended, the sum of Six Hundred Eight Thousand Five Hundred Dollars (\$608,500) shall be made available to the Community College of Baltimore as a supplementary general fund appropriation for the fiscal year ending June 30, 1981 for the purpose of additional operating expenses. The amount thus made available as a sup-

plementary general fund appropriation shall be expended from revenue derived from Community College Tuition Charges in excess of the amount from this source which was estimated and relied upon by the Board of Estimates in determining the tax levy required to balance the budget for the 1981 fiscal year; and said funds from said Community College Tuition Charges shall be the source of revenue for this supplementary general fund appropriation, as required by Article VI, Section 2(h) (1) of the 1964 revised Charter of Baltimore City.

SEC. 2. *And be it further ordained*, That this ordinance shall take effect from the date of its passage.

Approved June 5, 1981.

WILLIAM DONALD SCHAEFER, *Mayor*.

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No. 318

(Council No. 634)

AN ORDINANCE concerning

INDUSTRIAL DEVELOPMENT REVENUE  
BONDS—GAF CORPORATION

FOR the purpose of extending from six months to twenty-four months the authorization for the City to issue and sell the Industrial Development Revenue Bonds (GAF Corporation Project).

BY repealing and reenacting, with amendments,  
Ordinance No. 5 of the Mayor and City Council of  
Baltimore, approved February 14, 1980  
Section 10

RECITALS

Ordinance No. 5 of the Mayor and City Council of Baltimore (the "City"), approved by the Mayor on February 14, 1980 (the "Ordinance") authorizes the issuance from time to time by the City of its Industrial



Development Revenue Bonds (GAF Corporation Project) (the "Bonds") pursuant to the provisions of Sections 266A to 266-I, inclusive, of Article 41 of the Annotated Code of Maryland (1978 Replacement Volume, 1980 Cumulative Supplement) (the "Enabling Legislation"). The Ordinance provides that the proceeds from the sale of the Bonds will be loaned to GAF Corporation, a Delaware corporation (the "Company"), in order to finance the acquisition of certain industrial facilities in the City as described therein (the "Facilities").

The City has been advised that the Company, acting in reliance upon the Ordinance and in anticipation of the consummation of the financing authorized therein, has begun acquisition and construction of certain portions of the Facilities and has expended and committed substantial sums of money in that endeavor. The City is further advised, however, that economic and financial considerations, including the uncertain and generally unfavorable conditions that have prevailed in the national bond market since the adoption of the Ordinance, have made it impractical for the Company to request that the City issue and sell the bonds within the time limits contemplated by Section 10 of the Ordinance.

The Company has informed the City that, should the authorization to issue the Bonds be extended, the Company intends to proceed with completion of the acquisition of the Facilities and with the financing of such acquisition through the loan of the proceeds of the Bonds as authorized by the Ordinance. The City accordingly finds that, in order to accomplish the public purposes of the Enabling Legislation and the Ordinance, it is in the best interests of the citizens of the City to extend from six months to twenty-four months the authorization to issue the Bonds pursuant to the Ordinance.

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That section(s) of Ordinance No. 5 of the Mayor and City Council of Baltimore, approved February 14, 1980, be repealed, amended, or enacted to read as follows:

SEC. 10. *And be it further ordained*, that if the Bonds are not issued and sold within [six] *twenty-four* months

from the date on which this ordinance is approved by the Mayor or Acting Mayor of the City, the authorization provided in this ordinance for the City to issue and sell the Bonds shall expire; provided however, that the Board of Finance of the City may, after a showing of good cause at a public hearing held before the Board of Finance, extend such authorization for one additional term not to exceed six months. The Board of Finance, in its sole discretion, shall determine the sufficiency, or lack thereof, of the reasons presented for any requested extension of this ordinance. If an extension is granted, notice of such extension and the reasons therefor shall be sent to the City Council.

SEC. 2. *And be it further ordained*, That this ordinance shall take effect from the date of its passage.

Approved June 5, 1981.

WILLIAM DONALD SCHAEFER, *Mayor*.

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No. 319

(Council No. 636)

AN ORDINANCE concerning

MIDFA LOAN TO MAYOR AND CITY COUNCIL OF  
BALTIMORE FOR THE BENEFIT OF  
P. FLANIGAN AND SONS, ~~INC.~~ INCORPORATED

FOR the purpose of authorizing the Mayor and City Council of Baltimore to borrow, as a limited obligation and not upon the faith and credit of Mayor and City Council of Baltimore, in accordance with the Maryland Industrial Development Financing Authority Act, a sum of money not to exceed \$800,000.00, to lend the proceeds of such borrowing to P. Flanigan and Sons, ~~Inc.~~ INCORPORATED, a Maryland corporation, to be used for the purpose of paying a portion of the costs of acquiring a certain industrial project (within the meaning of such Act) consisting of (a) site preparation and the renovation of certain improvements located at 2120 Annapolis Road,

Baltimore, Maryland, and (b) the purchase and installation of certain machinery and equipment therein, all for the use by P. Flanigan and Sons, ~~Inc.~~ INCORPORATED, in its business as an asphalt manufacturer; authorizing the Mayor and other appropriate officials of the City to (a) accept, on behalf of the City, the letter of intent of P. Flanigan and Sons, ~~Inc.~~ INCORPORATED, dated April 13, 1981, and (b) execute any and all documents necessary to effectuate and to secure payment of the aforesaid borrowing, lending, and acquisition; to provide that the faith and credit of Mayor and City Council of Baltimore shall not be deemed to be pledged hereby; conferring and imposing upon the Department of Housing and Community Development certain powers and duties and providing that P. Flanigan and Sons, ~~Inc.~~ INCORPORATED shall agree to submit certain plans and specifications to and coordinate with, the Department of Housing and Community Development in connection with the acquisition of such industrial project; providing that such borrowing must be consummated within six (6) months from the date of this Ordinance is approved by the Mayor, unless an extension of such authorization is granted as provided in this Ordinance; and generally providing for and determining various matters and details in connection with such borrowing and acquisition.

BY authority of

MIDFA Act—Title 13, Sections 13-101 through 13-155, inclusive, of the Financial Institutions Article of the Annotated Code of Maryland (1980 Volume and 1980 Supplement) as amended.

### RECITALS

Whereas, Ordinance No. 1022, approved November 24, 1975, was enacted transferring all the duties and responsibilities of Baltimore City Economic Development Commission to the Department of Housing and Community Development thereby vesting in such Department certain powers and duties to be exercised in connection with aiding the industrial growth of Baltimore City; and

Whereas, pursuant to Title 13, Sections 13-101 through 13-155, inclusive, of the Financial Institutions Article of the Annotated Code of Maryland (1980 Volume and 1980



Supplement) as amended (the "MIDFA Act"), Mayor and City Council of Baltimore (the "City") a "public body" as defined in Section 13-101(O) of the MIDFA Act, has received a letter of intent dated April 13, 1981 (the "Letter of Intent") from P. Flanigan and Sons, ~~Inc.~~ INCORPORATED, a Maryland corporation (the "Company") and an "industrial project applicant", as mentioned in Section 13-141(c)(2) of the MIDFA Act requesting the City to participate in the financing of the acquisition of a certain industrial project (the "Industrial Project") to be located in Baltimore City, Maryland, and being more particularly described herein, by borrowing from Union Trust Company of Maryland (the "Bank"), a sum of money not to exceed \$800,000.00 (the "Loan") a "mortgagee" within the meaning of the MIDFA Act; and

Whereas, Section 13-140 of the MIDFA Act provides, among other things, that a public body of the State of Maryland, notwithstanding the provisions of any charter and without in any event pledging its faith and credit, is fully enabled and empowered to borrow money and to execute a mortgage to secure a mortgage loan, for the purpose of defraying the cost of acquiring any industrial project approved by the Maryland Industrial Development Financing Authority ("MIDFA"); and

Whereas, Section 13-141 of the MIDFA Act provides that the funds to be borrowed by the public body shall be utilized in connection with a "bona fide industrial project", as evidenced by a letter of intent or similar agreement between the prospective industrial project applicant and the public body borrowing the money; and

Whereas, Section 13-140 of the MIDFA Act provides that the public body may borrow money to relend to an industrial project applicant under Section 13-151, and Section 13-151 of the MIDFA Act provides that, at its option, the industrial project applicant may be the mortgagor instead of the public body and give a mortgage to the mortgagee (as defined in the MIDFA Act) directly or to the public body to be assigned to the mortgagee; and

Whereas, MIDFA has received an application from P. Flanigan and Sons, ~~Inc.~~ INCORPORATED, for approval of

the Loan and insurance by MIDFA of a portion of the "mortgage payments" (as defined in the MIDFA Act) to be made with respect to the Loan, and MIDFA will consider the approval of the application at its meeting on May 28, 1981; and

Whereas, the City has determined, based upon the findings and determinations hereinafter set forth, that it is in the best interests of the citizens of Baltimore City, that the City accept the Letter of Intent and participate in the financing of the Industrial Project.

NOW THEREFORE, PURSUANT TO AND IN ACCORDANCE WITH THE PROVISIONS OF THE MIDFA ACT:

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That it is hereby found and determined as follows:

(a) the financing of the acquisition of the Industrial Project will fulfill and accomplish the declared purpose of the MIDFA Act, which are to promote the expansion and diversification of industry, to avoid the relocation of industry from the State of Maryland, to increase employment, and to provide a large taxable base for the economy of the State of Maryland, resulting in new and expanded industrial enterprises to provide enlarged opportunities for gainful employment by the people of Maryland, and thus to insure the preservation and betterment of the economy of the State of Maryland, and accordingly, it is in the best interests of the citizens of Baltimore City, that the City participate in the financing of the acquisition of the Industrial Project; and

(b) as evidenced by the Letter of Intent, the Industrial Project is an "industrial project" as defined in Section 13-101 of the MIDFA Act, and as evidenced by the Letter of Intent, the funds to be borrowed by the City to finance the acquisition of the Industrial Project will be utilized in connection with the acquisition of a "bona fide industrial project" as mentioned in Section 13-141(c)(2) of the MIDFA Act, for the use and benefit of the Company, a "prospective industrial project applicant" as mentioned in Section 13-141(c)(2) of the MIDFA Act; and

(c) MIDFA, at its meeting to be held on May 28, 1981, will consider approval of a mortgage loan for the Industrial Project and the insurance by MIDFA of a portion of the "mortgage payments" (as defined in the MIDFA Act) to be made with respect to the mortgage loan; and

(d) the Company has exercised its option pursuant to Section 13-151 of the MIDFA Act to be a mortgagor (as defined in Section 13-101(1) of the MIDFA Act) and accordingly this Ordinance contemplates and authorizes a transaction in the form of a loan to the Company of the proceeds of the Loan.

SEC. 2. *And be it further ordained*, That the City be and it is hereby fully authorized and empowered to borrow from the Bank, a sum of money not to exceed \$800,000.00 (the "Loan") for a term not to exceed ten (10) years at the annual rate of interest which shall not exceed eighty percent (80%) of the fluctuating commercial prime rate of interest in effect at the Bank from time to time, adjusted as of the first day of each month during the term of the Loan, except in the event that it is at any time determined that such interest is for any reason not exempt from federal income taxes. If at any time it is determined that such interest is not exempt from federal income taxes, the rate of interest payable on the Loan shall be increased to an annual rate not to exceed the fluctuating commercial prime rate of interest in effect at the Bank from time to time plus two percent (2%) per annum. Interest shall be calculated on the basis of a 360-day year factor applied to actual days elapsed. The commercial prime rate of interest of the Bank is that rate of interest charged by the Bank to the Bank's largest and most creditworthy borrowers on unsecured loans having a term of ninety (90) days.

SEC. 3. *And be it further ordained*, That the City cause the proceeds of the Loan to be used for the purpose of paying a portion of the costs of (a) site preparation and the renovation of certain improvements on the real property located at 2120 Annapolis Road, Baltimore, Maryland (the "Improvements") and (b) the purchase and installation of certain asphalt manufacturing equipment (the "Equipment"), all for use by the Company in connection



with its business operations as an asphalt manufacturer (the Improvements and the Equipment being hereinafter sometimes collectively referred to as the "Industrial Project").

SEC. 4. *And be it further ordained*, That the City lend the proceeds of the Loan to the Company which shall use the proceeds of the Loan for the sole purpose of paying a portion of the costs of acquiring the Industrial Project.

SEC. 5. *And be it further ordained*, That, as described generally in the Letter of Intent and as contemplated by the MIDFA Act:

(a) The Loan will be secured by a mortgage or deed of trust or by an assignment of a mortgage or deed of trust, covering the Industrial Project, but the City shall in no event pledge its faith and credit, and the Loan, and the interest thereon, will be repaid by the City solely from payments to be made by the Company to the City pursuant to the Loan Documents (hereinafter defined) and from any other moneys made available to the City for such purpose and permitted by the MIDFA Act;

(b) the Company will make payments under the Loan Documents sufficient to pay (i) the principal of and interest on the Loan, (ii) all taxes and payments in lieu of taxes and (iii) any expenses incurred by the City in connection with the administration of the Loan, all as the same become due and payable; and

(c) any costs of acquiring the Industrial Project in excess of the proceeds of the Loan will be paid by the Company.

SEC. 6. *And be it further ordained*, That the City will not incur any liability, direct or indirect, or any cost, direct or indirect, in connection with the aforesaid borrowing, lending or the acquisition of the Industrial Project, and the Industrial Project will be acquired so as to conform to the requirements of the Company; accordingly, the Company shall (i) select and work with the suppliers and contractors which will construct the Improvements, and will negotiate and approve all contracts, construction

plans, specifications, and all financing arrangements in connection with the acquisition of the Industrial Project, and (ii) pay all necessary costs incurred by or on behalf of the City in connection with the aforesaid financing, including the administration thereof, and in connection with the acquisition of the Industrial Project, including (without limitation) all costs incurred in connection with the development of the appropriate legal documents necessary to effectuate the proposed financing and acquisition, including (without limitation) the fees of legal counsel, and compensation to any other person performing services by or on behalf of the City in connection with the transactions contemplated by this Ordinance, whether or not the proposed financing and acquisition are consummated.

SEC. 7. *And be it further ordained*, That in connection with the borrowing, lending and the acquisition described in this Ordinance, the Mayor and other appropriate officials of the City of Baltimore are hereby authorized and empowered:

(i) to accept the Letter of Intent in order to materially induce the Company to pursue the transactions described herein and to further evidence the present intent of the City to participate in the financing of the acquisition of the Industrial Project;

(ii) to execute and to accept such other documents, instruments and certificates as are necessary or appropriate to evidence and secure the obligation of the Company to make payments to the City sufficient to pay the principal of and interest on the Loan and to consummate the Loan and the acquisition of the Industrial Project, including, but not limited to, any and all leases, loan agreements, mortgages, deeds of trust, notes, assignments, security agreements, consolidation agreements and any and all necessary financing statements, the form and substance of all of which shall be approved by the Board of Estimates of the City (the "Board of Estimates") as hereinafter provided (all of such documents, instruments and certificates are herein collectively referred to as the "Loan Documents").

SEC. 8. *And be it further ordained*, That, notwithstanding anything contained in this Ordinance or in any document

authorized herein to be executed, or the execution and delivery of any document authorized herein, neither the faith and credit nor the taxing power of the City shall be deemed to be pledged hereby, and the City shall at no time be required to exercise its taxing power in order to implement the transactions authorized hereby. Nothing contained in this Ordinance shall be deemed or construed in any way to create or constitute a debt of the City within the meaning of any constitutional, statutory or other debt limitation provision, or to constitute any act or purpose other than that contemplated by the MIDFA Act. Neither the Loan to be made to the City by the Bank nor the interest thereon shall ever constitute an indebtedness or a charge against the general credit or taxing powers of the City, within the meaning of any constitutional or charter provisions or statutory limitation, and neither shall ever constitute or give rise to any pecuniary liability of the City.

SEC. 9. *And be it further ordained*, That the terms and provisions and form and substance of any and all documents and instruments to be executed or entered into by the City in connection with the transactions authorized by this Ordinance, other than customary closing certificates and documents, shall be approved by the Board of Estimates prior to the execution and delivery thereof by the Mayor of the City.

SEC. 10. *And be it further ordained*, That the Department of Housing and Community Development is hereby fully authorized and empowered for the purpose of this Ordinance only:

(a) To promote, make investigations, conduct preliminary negotiations, and do any and all other things necessary and proper to expedite the consummation of the transactions authorized by this Ordinance, all pursuant and subject to the provisions of the Charter of Baltimore City; and

(b) After the transactions authorized by this Ordinance have been fully consummated, the Department of Housing and Community Development shall do any and all other things necessary, proper or expedient to assure the full performance by the Company of any and all of the terms



and provisions in any and all agreements entered into by the City and the Company, all of which shall be subject to the provisions of the Charter of Baltimore City.

SEC. 11. *And be it further ordained*, That the Company shall agree, in the Loan Documents, that:

(a) It will submit any plans and specifications for the Rehabilitation to the Department of Housing and Community Development for approval.

(b) It understands that, in addition to the economic feasibility of the acquisition of the Industrial Project, the Department of Housing and Community Development may consider, without limitation, the suitability of the site plan, architectural treatment, building plans, elevations, materials, color, construction details, access, parking, loading, landscaping, identification signs, exterior lighting, refuse collection details, streets, sidewalks, and harmony between the plans and the surroundings of the proposed Industrial Project; and that the Department of Housing and Community Development may refuse approval of any plans and specifications for aesthetic or functional reasons.

(c) It and its developers will work with the design advisory group appointed by the Department of Housing and Community Development in order to achieve high quality site, building, and landscape design.

SEC. 12. *And be it further ordained*, That the provisions of this Ordinance are severable, and if any provision, sentence, clause, section or part hereof is held illegal, invalid or unconstitutional or inapplicable to any person or circumstances, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this Ordinance or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this Ordinance would have been passed if such illegal, invalid or unconstitutional provision, sentence, clause, section or part had not been included herein, and if the person or circumstances to which this Ordinance or any part hereof are inapplicable had been specifically exempted herefrom.

SEC. 13. *And be it further ordained*, That the borrowing authorized by this Ordinance must be consummated within six months from the date on which this Ordinance is approved by the Mayor of the City; provided, however, that the Board of Estimates, after a showing of good cause at the public hearing held before the Board of Estimates prior to or after the expiration of such six month period, may extend the period during which the borrowing may be consummated for one additional term not to exceed six months from the date on which the first six month period expired. The Board of Estimates, in its sole discretion and without action by the City Council, shall determine the sufficiency, or lack thereof, of the reasons presented for any requested extension of the six month period. If an extension is granted, notice of such extension and the reasons therefor must be sent to the City Council. To the extent that the borrowing is not consummated within twelve months from the date on which this Ordinance is approved by the Mayor of the City, the authority provided in this Ordinance for the City to borrow the Loan shall expire.

SEC. 14. *And be it further ordained*, That this Ordinance is passed, and the Letter of Intent is to be accepted, as official action by the City for the purpose of materially inducing the Company to pursue the transaction described in the Letter of Intent, and the Letter of Intent is to be accepted as further evidence of such official action.

SEC. 15. *And be it further ordained*, That this Ordinance shall take effect from the date of its passage.

Approved June 5, 1981.

WILLIAM DONALD SCHAEFER, *Mayor*.

## No. 320

(Council No. 638)

## AN ORDINANCE concerning

INDUSTRIAL DEVELOPMENT REVENUE BONDS—  
(WAVERLY PRESS, INC. PROJECT)

FOR the purpose of authorizing and empowering Mayor and City Council of Baltimore (the "City") to issue and sell, at any time or from time to time and in one or more series, as limited obligations of the City and not upon its full faith and credit, its industrial development revenue bonds, in the aggregate principal amount not to exceed \$2,400,000, pursuant to the provisions of Subsection (50) of Article II of the Charter of Baltimore City (1964 Revision), as amended, for the sole and exclusive purpose of financing the costs of the completion by Waverly Press, Inc., a Maryland corporation (the "Borrower"), of a certain project in Baltimore City consisting of the construction of a five-story office building on certain real property previously acquired by the Borrower located at 210-216 East Preston Street in Baltimore City, and the purchase and installation of certain machinery and equipment therein, to be owned by the Borrower and to be used by the Borrower in connection with its business of printing and publishing medical and scientific books and periodicals; authorizing the Mayor of the City, on behalf of the City, to accept the letter of intent dated April 6, 1981 from the Borrower to the City; making certain legislative findings; authorizing and empowering the Board of Finance of the City, by a resolution or resolutions adopted prior to the issuance, sale and delivery of any series of such bonds, to (a) prescribe, among other things but not limited to, the form, terms, provisions, manner or method of issuing and selling (including negotiated as well as competitive bid sale), and the time or times of issuance, and any and all other details of such bonds, and (b) do any and all things necessary, proper or expedient in connection with the issuance and sale of such bonds; providing that the Borrower shall agree to submit any plans and specifications to, and to coordinate with, the De-



partment of Housing and Community Development in connection with the completion of such project; providing that such bonds must be issued and sold within six months from the date this Ordinance is approved by the Mayor, unless the Board of Finance approves one six month extension as provided in this Ordinance; and generally providing for and determining various matters and details in connection with the issuance and sale of such bonds.

### RECITALS

Sub-section (50) of Article II of the Charter of Baltimore City (1964 Revision), as amended (the "Enabling Law"), empowers Mayor and City Council of Baltimore (the "City") to borrow money to finance undertakings for the accomplishment of any of the purposes, objects and powers of the City and in connection therewith to issue bonds, notes, or other obligations (including refunding bonds, notes or other obligations), all of which shall be fully negotiable, payable, as to both principal and interest, solely from and secured solely by a pledge of (I) the revenues from or arising in connection with the property, facilities, developments and improvements whose financing is undertaken by the issuance of such bonds, notes or other obligations, (II) the revenues from or arising in connection with any contracts, mortgages or other securities purchased or otherwise acquired with the proceeds of such bonds, notes or other obligations, (III) the contracts, mortgages or other securities purchased or otherwise acquired with the proceeds of such bonds, notes or other obligations, or (IV) any combination of (I), (II), or (III). The purposes, objects and powers of the City contemplated by the Enabling Law include the relief of conditions of unemployment in Baltimore City, encouraging the increase of industry and a balanced economy in Baltimore City, promoting economic development in Baltimore City, and promoting the health, welfare and safety of the residents of Baltimore City.

The City has received a letter of intent dated April 6, 1981 (the "Letter of Intent") from Waverly Press, Inc., a Maryland corporation (the "Borrower"), pursuant to

which the Borrower has requested the City to participate in the financing of the costs of the completion by the Borrower of a certain project in Baltimore City, Maryland (the "Project"), by issuing and selling the City's industrial development revenue bonds in the aggregate principal amount not to exceed \$2,400,000 (the "Bonds"), and by making the proceeds of the Bonds available to the Borrower to be used by the Borrower for the sole and exclusive purpose of financing the costs of the completion of the Project by the Borrower.

The Project, which is an "undertaking" which will accomplish the purposes, objects and powers of the City as mentioned in the Enabling Law, will consist generally of (a) the construction of a five-story office building located on certain real property previously acquired by the Borrower located at 210-216 East Preston Street in Baltimore City, and (b) the acquisition and installation in such building of any or all machinery and equipment as may be necessary or useful in connection with the operation thereof. Upon completion, the Project will be owned by the Borrower for use as an office building in connection with its business of publishing and printing medical and scientific books and periodicals.

The Enabling Law provides that the City may authorize and empower the Board of Finance of the City (the "Board") by resolution to determine and set forth the form, terms, provisions, manner or method of issuing and selling (including negotiated as well as competitive bid sale), and the time or times of issuance, and any and all other details of the Bonds and the issuance and sale thereof, and to do any and all things necessary, proper or expedient in connection with the issuance and sale of the Bonds.

NOW THEREFORE, IN ACCORDANCE WITH THE ENABLING LAW:

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That acting pursuant to the Enabling Law, it is hereby found and determined as follows:

(1) The issuance and sale of the Bonds by the City pursuant to the Enabling Law in order to make the pro-

ceeds thereof available to the Borrower for the sole and exclusive purpose of financing the costs of completion of the Project will facilitate and expedite the completion of the Project by the Borrower.

(2) The completion of the Project by the Borrower and the financing of the costs of such completion as provided in this Ordinance will serve to promote the general purposes contemplated by the Enabling Law by (a) creating new job opportunities, thus relieving conditions of unemployment in Baltimore City and (b) promoting economic development and a balanced economy in Baltimore City.

(3) Any and all of the Bonds shall not be general obligations of the City and shall not be a pledge of or involve the faith and credit or the taxing power of the City, and shall not constitute a debt of the City, all within the meaning of Section 7 of Article XI of the Constitution of Maryland or within the meaning of any other constitutional, statutory or charter provision limiting or restricting the sale or issuance of bonds, notes or other obligations of the City. All of the Bonds shall be limited obligations of the City, and shall be fully negotiable, payable, as to both principal and interest, solely from and secured solely by a pledge of (I) the revenues from or arising in connection with the Project, (II) the revenues from or arising in connection with any contracts, mortgages or other securities purchased or otherwise acquired with the proceeds of the Bonds, (III) the contracts, mortgages or other securities purchased or otherwise acquired with the proceeds of the Bonds, or (IV) any combination of (I), (II) or (III), all as the Board may approve by a resolution or resolutions adopted prior to the issuance, sale and delivery of any of the Bonds.

SEC. 2. *And be it further ordained*, That the City is hereby authorized and empowered to issue and sell, at any time or from time to time and in one or more series, as limited obligations of the City and not upon its full faith and credit, its industrial development revenue bonds, in the aggregate principal amount not to exceed \$2,400,000, subject to the provisions of this Ordinance. The proceeds of the Bonds will be made available to the Borrower under terms and conditions approved by the Board and set forth



in a Resolution, and used by the Borrower for the sole and exclusive purpose of financing the costs of the completion of the Project.

SEC. 3. *And be it further ordained*, That this Ordinance constitutes the present intent of the City to issue the Bonds, and the Mayor of the City is hereby authorized to accept the Letter of Intent on behalf of the City in order to further evidence the present intent of the City to issue the Bonds in accordance with the terms and provisions of this Ordinance.

SEC. 4. *And be it further ordained*, That, as permitted by the Enabling Law, the Board is hereby authorized and empowered, by a resolution or resolutions adopted prior to the issuance, sale and delivery of any of the Bonds, to:

(a) prescribe, among other things but not limited to, the form, terms, provisions, manner or method of issuing and selling (including negotiated as well as competitive bid sale), and the time or times of issuance, and any and all other details of the Bonds and the issuance and sale thereof;

(b) approve (i) the pledge or assignment by the City of any of the security described in Section 5 of this Ordinance, pursuant to a trust agreement or similar agreement, (ii) the form of any such trust agreement or similar agreement, as provided in the Enabling Law, and (iii) such provisions in any such trust agreement or similar agreement as the Board may deem reasonable and proper for the security of the holders of the bonds;

(c) approve the terms and conditions, including but not limited to the terms and conditions of any documents to be executed and delivered by the City (other than customary financing statements and closing certificates), under which the proceeds of the Bonds will be made available to the Borrower to finance the costs of the completion of the Project; and

(d) do any and all things necessary, proper or expedient in connection with the issuance, sale and delivery of the Bonds.

SEC. 5. *And be it further ordained*, That any and all of the Bonds shall not be general obligations of the City and shall not be a pledge of or involve the faith and credit or the taxing power of the City, and shall not constitute a debt of the City, all within the meaning of Section 7 of Article XI of the Constitution of Maryland or any other constitutional, statutory or charter provision limiting or restricting the sale or issuance of bonds, notes or other obligations of the City. All of the Bonds shall be limited obligations of the City, and shall be fully negotiable, payable, as to both principal and interest, solely from and secured solely by a pledge of (I) the revenues from or arising in connection with the Project, (II) the revenues from or arising in connection with any contracts, mortgages or other securities purchased or otherwise acquired with the proceeds of the Bonds, (III) the contracts, mortgages or other securities purchased or otherwise acquired with the proceeds of the Bonds, or (IV) any combination of (I), (II) or (III), all as the Board may approve by a resolution or resolutions adopted prior to the issuance, sale and delivery of any of the Bonds.

SEC. 6. *And be it further ordained*, That the Borrower shall agree that:

(a) it will submit any plans and specifications for the Project to the Department of Housing and Community Development for approval, and that the Department of Housing and Community Development may refuse approval of any plans and specifications for aesthetic or functional reasons; and

(b) it and its developers will work with the design advisory group appointed by the Department of Housing and Community Development in order to achieve high quality site, building, and landscape design.

SEC. 7. *And be it further ordained*, That any and all of the Bonds shall be executed in the name of the City and on its behalf by the Mayor of the City, by his manual or facsimile signature, and by the Director of Finance of the City, by his manual or facsimile signature, and the corporate seal of the City or a facsimile thereof shall be impressed or otherwise reproduced thereon and attested by

the Custodian of the City Seal, by his manual signature. Any trust agreement or other documents as the Board shall deem necessary to effectuate the issuance, sale and delivery of the Bonds shall be executed in the name of the City and on its behalf by the Mayor of the City by his manual or facsimile signature, and the corporate seal of the City or a facsimile thereof shall be impressed or otherwise reproduced thereon and attested by the Custodian of the City Seal by his manual signature. In case any officer whose signature or a facsimile of whose signature shall appear on the Bonds or any of the aforesaid documents shall cease to be such officer before the delivery of the Bonds or any of the other aforesaid documents, such signature or such facsimile shall nevertheless be valid and sufficient for all purposes, the same as if such officer had remained in office until delivery. The Mayor of the City, the Director of Finance of the City, the Custodian of the City Seal and other officials of the City are hereby authorized and empowered to do all such acts and things and execute such documents and certificates as the Board may determine by resolution to be necessary to carry out and comply with the provisions hereof.

SEC. 8. *And be it further ordained*, That any and all necessary financing statements required for the consummation of the transactions authorized by this Ordinance may be executed on behalf of the City by the Mayor of the City or by the Chief, Bureau of Treasury Management of the City or by such other appropriate official of the City as may be designated by the Mayor of the City to execute such financing statements.

SEC. 9. *And be it further ordained*, That the provisions of this Ordinance are severable, and if any provision, sentence, clause, section or part hereof is held illegal, invalid or unconstitutional or inapplicable to any person or circumstances, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this Ordinance or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this Ordinance would have been passed if such illegal, invalid or unconstitutional provision, sentence,



clause, section or part had not been included herein, and if the person or circumstances to which this Ordinance or any part hereof are inapplicable had been specifically exempted herefrom.

SEC. 10. *And be it further ordained*, That the Bonds must be issued and sold within six months from the date on which this Ordinance is approved by the Mayor of the City; provided, however, that the Board, after a showing of good cause at a public hearing held before the Board prior to or after the expiration of such six month period, may extend the period during which the Bonds may be issued and sold for one additional term not to exceed six months from the date on which the first six month period expired. The Board, in its sole discretion, and without action by the City Council, shall determine the sufficiency, or lack thereof, of the reasons presented for any requested extension of the six month period. If an extension is granted, notice of such extension and the reasons therefor must be sent to the City Council. If the Bonds are not issued and sold within twelve months from the date on which this Ordinance is approved by the Mayor of the City, the authority provided in this Ordinance for the City to issue and sell the Bonds shall expire.

SEC. 11. *And be it further ordained*, That this Ordinance shall take effect from the date of its passage.

Approved June 5, 1981.

WILLIAM DONALD SCHAEFER, *Mayor*.

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No. 321

(Council No. 640)

AN ORDINANCE concerning

INDUSTRIAL DEVELOPMENT REVENUE  
BONDS—(G & C COMPANY PROJECT)

FOR the purpose of authorizing and empowering Mayor and City Council of Baltimore (the "City") to issue and

sell, at any time or from time to time and in one or more series, as limited obligations of the City and not upon its full faith and credit, its industrial development revenue bonds, in the aggregate principal amount not to exceed \$200,000, pursuant to the provisions of Sub-section (50) of Article II of the Charter of Baltimore City (1964 Revision), as amended, for the sole and exclusive purpose of financing the costs of the completion by G & C Company, a Maryland general partnership (the "Borrower"), of a certain project in Baltimore City consisting of the acquisition of certain real property located at 1201 South Howard Street in Baltimore City, and the renovation of certain improvements thereon, to be owned by the Borrower, leased to Herbert Greenbaum & Associates, Inc., a Maryland corporation ("Lessee No. 1"), and New Cut Cabinet Company, a Maryland general partnership ("Lessee No. 2"), to be used by Lessee No. 1 in connection with its business of designing, selling and distributing kitchen cabinets and other kitchen accessories and to be used by Lessee No. 2 in connection with its business of manufacturing cabinets, countertops and vanities to be used in kitchens and kitchen-type settings and counters and booths to be used in such places as nursing homes, hospitals and schools; authorizing the Mayor of the City, on behalf of the City, to accept the letter of intent dated March 25, 1981 from the Borrower to the City; making certain legislative findings; authorizing and empowering the Board of Finance of the City, by a resolution or resolutions adopted prior to the issuance, sale and delivery of any series of such bonds, to (a) prescribe, among other things but not limited to, the form, terms, provisions, manner or method of issuing and selling (including negotiated as well as competitive bid sale), and the time or times of issuance, and any and all other details of such bonds, and (b) do any and all things necessary, proper or expedient in connection with the issuance and sale of such bonds; providing that the Borrower shall agree to submit any plans and specifications to, and to coordinate with, the Department of Housing and Community Development in connection with the completion of such project; providing that such bonds must be is-

sued and sold within six months from the date this Ordinance is approved by the Mayor, unless the Board of Finance approves one six month extension as provided in this Ordinance; and generally providing for and determining various matters and details in connection with the issuance and sale of such bonds.

### RECITALS

Sub-section (50) of Article II of the Charter of Baltimore City (1964 Revision), as amended (the "Enabling Law"), empowers Mayor and City Council of Baltimore (the "City") to borrow money to finance undertakings for the accomplishment of any of the purposes, objects and powers of the City and in connection therewith to issue bonds, notes, or other obligations (including refunding bonds, notes or other obligations), all of which shall be fully negotiable, payable, as to both principal and interest, solely from and secured solely by a pledge of (I) the revenues from or arising in connection with the property, facilities, developments and improvements whose financing is undertaken by the issuance of such bonds, notes or other obligations, (II) the revenues from or arising in connection with any contracts, mortgages or other securities purchased or otherwise acquired with the proceeds of such bonds, notes or other obligations, (III) the contracts, mortgages or other securities purchased or otherwise acquired with the proceeds of such bonds, notes or other obligations, or (IV) any combination of (I), (II) or (III). The purposes, objects and powers of the City contemplated by the Enabling Law include the relief of conditions of unemployment in Baltimore City, encouraging the increase of industry and a balanced economy in Baltimore City, promoting economic development in Baltimore City, and promoting the health, welfare and safety of the residents of Baltimore City.

The City has received a letter of intent dated March 25, 1981 (the "Letter of Intent") from G & C Company, a Maryland general partnership (the "Borrower"), pursuant to which the Borrower has requested the City to participate in the financing of the costs of the completion by the Borrower of a certain project in Baltimore



City, Maryland (the "Project"), by issuing and selling the City's industrial development revenue bonds in the aggregate principal amount not to exceed \$200,000 (the "Bonds"), and by making the proceeds of the Bonds available to the Borrower to be used by the Borrower for the sole and exclusive purpose of financing the costs of the completion of the Project by the Borrower.

The Project, which is an "undertaking" which will accomplish the purposes, objects and powers of the City as mentioned in the Enabling Law, will consist generally of (a) the acquisition of certain real property located at 1201 South Howard Street in Baltimore City and (b) the renovation of certain improvements thereon. Upon completion, the Project will be owned by the Borrower and leased to Herbert Greenbaum & Associates, Inc., a Maryland corporation ("Lessee No. 1") and to New Cut Cabinet Company, a Maryland general partnership ("Lessee No. 2"), to be used by Lessee No. 1 in connection with its business of designing, selling and distributing kitchen cabinets and other kitchen accessories and to be used by Lessee No. 2 in connection with its business of manufacturing cabinets, countertops and vanities to be used in kitchens and kitchen-type settings and counters and booths to be used in such places as nursing homes, hospitals and schools.

The Enabling Law provides that the City may authorize and empower the Board of Finance of the City (the "Board") by resolution to determine and set forth the form, terms, provisions, manner or method of issuing and selling (including negotiated as well as competitive bid sale), and the time or times of issuance, and any and all other details of the Bonds and the issuance and sale thereof, and to do any and all things necessary, proper or expedient in connection with the issuance and sale of the Bonds.

**NOW THEREFORE, IN ACCORDANCE WITH THE ENABLING LAW:**

**SECTION 1.** *Be it ordained by the Mayor and City Council of Baltimore, That acting pursuant to the Enabling Law, it is hereby found and determined as follows:*

(1) The issuance and sale of the Bonds by the City pursuant to the Enabling Law in order to make the proceeds thereof available to the Borrower for the sole and exclusive purpose of financing the costs of completion of the Project will facilitate and expedite the completion of the Project by the Borrower.

(2) The completion of the Project by the Borrower and the financing of the costs of such completion as provided in this Ordinance will serve to promote the general purposes contemplated by the Enabling Law by (a) sustaining jobs and employment in Baltimore City; (b) promoting economic development in Baltimore City; and (c) encouraging the increase of industry and a balanced economy in Baltimore City.

(3) Any and all of the Bonds shall not be general obligations of the City and shall not be a pledge of or involve the faith and credit or the taxing power of the City, and shall not constitute a debt of the City, all within the meaning of Section 7 of Article XI of the Constitution of Maryland or within the meaning of any other constitutional, statutory or charter provision limiting or restricting the sale or issuance of bonds, notes or other obligations of the City. All of the Bonds shall be limited obligations of the City, and shall be fully negotiable, payable, as to both principal and interest, solely from and secured solely by a pledge of (I) the revenues from or arising in connection with the Project, (II) the revenues from or arising in connection with any contracts, mortgages or other securities purchased or otherwise acquired with the proceeds of the Bonds, (III) the contracts, mortgages or other securities purchased or otherwise acquired with the proceeds of the Bonds, or (IV) any combination of (I), (II) or (III), all as the Board may approve by a resolution or resolutions adopted prior to the issuance, sale and delivery of any of the Bonds.

SEC. 2. *And be it further ordained*, That the City is hereby authorized and empowered to issue and sell, at any time or from time to time and in one or more series, as limited obligations of the City and not upon its full faith and credit, its industrial development revenue bonds, in the aggregate principal amount not to exceed \$200,000, sub-

ject to the provisions of this Ordinance. The proceeds of the Bonds will be made available to the Borrower under terms and conditions approved by the Board and set forth in a Resolution, and used by the Borrower for the sole and exclusive purpose of financing the costs of the completion of the Project.

SEC. 3. *And be it further ordained*, That this Ordinance constitutes the present intent of the City to issue the Bonds, and the Mayor of the City is hereby authorized to accept the Letter of Intent on behalf of the City in order to further evidence the present intent of the City to issue the Bonds in accordance with the terms and provisions of this Ordinance.

SEC. 4. *And be it further ordained*, That, as permitted by the Enabling Law, the Board is hereby authorized and empowered, by a resolution or resolutions adopted prior to the issuance, sale and delivery of any of the Bonds, to:

(a) prescribe, among other things but not limited to, the form, terms, provisions, manner or method of issuing and selling (including negotiated as well as competitive bid sale), and the time or times of issuance, and any and all other details of the Bonds and the issuance and sale thereof;

(b) approve (i) the pledge or assignment by the City of any of the security described in Section 5 of this Ordinance, pursuant to a trust agreement or similar agreement, (ii) the form of any such trust agreement or similar agreement, as provided in the Enabling Law, and (iii) such provisions in any such trust agreement or similar agreement as the Board may deem reasonable and proper for the security of the holders of the Bonds;

(c) approve the terms and conditions, including but not limited to the terms and conditions of any documents to be executed and delivered by the City (other than customary financing statements and closing certificates), under which the proceeds of the Bonds will be made available to the Borrower to finance the costs of the completion of the Project; and



(d) do any and all things necessary, proper or expedient in connection with the issuance, sale and delivery of the Bonds.

SEC. 5. *And be it further ordained*, That any and all of the Bonds shall not be general obligations of the City and shall not be a pledge of or involve the faith and credit or the taxing power of the City, and shall not constitute a debt of the City, all within the meaning of Section 7 of Article XI of the Constitution of Maryland or any other constitutional, statutory or charter provision limiting or restricting the sale or issuance of bonds, notes or other obligations of the City. All of the Bonds shall be limited obligations of the City, and shall be fully negotiable, payable, as to both principal and interest, solely from and secured solely by a pledge of (I) the revenues from or arising in connection with the Project, (II) the revenues from or arising in connection with any contracts, mortgages or other securities purchased or otherwise acquired with the proceeds of the Bonds, (III) the contracts, mortgages or other securities purchased or otherwise acquired with the proceeds of the Bonds, or (IV) any combination of (I), (II) or (III), all as the Board may approve by a resolution or resolutions adopted prior to the issuance, sale and delivery of any of the Bonds.

SEC. 6. *And be it further ordained*, That the Borrower shall agree that:

(a) it will submit any plans and specifications for the Project to the Department of Housing and Community Development for approval, and that the Department of Housing and Community Development may refuse approval of any plans and specifications for aesthetic or functional reasons; and

(b) it and its developers will work with the design advisory group appointed by the Department of Housing and Community Development in order to achieve high quality site, building, and landscape design.

SEC. 7. *And be it further ordained*, That any and all of the Bonds shall be executed in the name of the City and on its behalf by the Mayor of the City, by his manual or

facsimile signature, and by the Director of Finance of the City, by his manual or facsimile signature, and the corporate seal of the City or a facsimile thereof shall be impressed or otherwise reproduced thereon and attested by the Custodian of the City Seal, by his manual signature. Any trust agreement or other documents as the Board shall deem necessary to effectuate the issuance, sale and delivery of the Bonds shall be executed in the name of the City and on its behalf by the Mayor of the City by his manual or facsimile signature, and the corporate seal of the City or a facsimile thereof shall be impressed or otherwise reproduced thereon and attested by the Custodian of the City Seal by his manual signature. In case any officer whose signature or a facsimile of whose signature shall appear on the Bonds or any of the aforesaid documents shall cease to be such officer before the delivery of the Bonds or any of the other aforesaid documents, such signature or such facsimile shall nevertheless be valid and sufficient for all purposes, the same as if such officer had remained in office until delivery. The Mayor of the City, the Director of Finance of the City, the Custodian of the City Seal and other officials of the City are hereby authorized and empowered to do all such acts and things and execute such documents and certificates as the Board may determine by resolution to be necessary to carry out and comply with the provisions hereof.

SEC. 8. *And be it further ordained*, That any and all necessary financing statements required for the consummation of the transactions authorized by this Ordinance may be executed on behalf of the City by the Mayor of the City or by the Chief, Bureau of Treasury Management of the City or by such other appropriate official of the City as may be designated by the Mayor of the City to execute such financing statements.

SEC. 9. *And be it further ordained*, That the provisions of this Ordinance are severable, and if any provision, sentence, clause, section or part hereof is held illegal, invalid or unconstitutional or inapplicable to any person or circumstances, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of

the remaining provisions, sentences, clauses, sections, or parts of this Ordinance or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this Ordinance would have been passed if such illegal, invalid or unconstitutional provision, sentence, clause, section or part had not been included herein, and if the person or circumstances to which this Ordinance or any part hereof are inapplicable had been specifically exempted herefrom.

SEC. 10. *And be it further ordained*, That the Bonds must be issued and sold within six months from the date on which this Ordinance is approved by the Mayor of the City; provided, however, that the Board, after a showing of good cause at a public hearing held before the Board prior to or after the expiration of such six month period, may extend the period during which the Bonds may be issued and sold for one additional term not to exceed six months from the date on which the first six month period expired. The Board, in its sole discretion, and without action by the City Council, shall determine the sufficiency, or lack thereof, of the reasons presented for any requested extension of the six month period. If an extension is granted, notice of such extension and the reasons therefor must be sent to the City Council. If the Bonds are not issued and sold within twelve months from the date on which this Ordinance is approved by the Mayor of the City, the authority provided in this Ordinance for the City to issue and sell the Bonds shall expire.

SEC. 11. *And be it further ordained*, That this Ordinance shall take effect from the date of its passage.

Approved June 5, 1981.

WILLIAM DONALD SCHAEFER, *Mayor*.



## No. 322

(Council No. 641)

## AN ORDINANCE concerning

INDUSTRIAL DEVELOPMENT REVENUE BONDS—  
(BINDAGRAPHICS PROJECT)

FOR the purpose of authorizing and empowering Mayor and City Council of Baltimore to issue and sell, at any time or from time to time and in one or more series, as limited obligations of the City and not upon its full faith and credit, its industrial development revenue bonds, in the aggregate principal amount not to exceed \$500,000, pursuant to the provisions of Sub-section (50) of Article II of the Charter of Baltimore City (1964 Revision), as amended, for the sole and exclusive purpose of financing the costs of the completion by Bindagraphics, Inc., a Maryland corporation, of a certain project in Baltimore City consisting of the purchase and installation of certain machinery and equipment for use in its business of binding soft cover books and pamphlets and related expansion of such business; authorizing the Mayor of the City, on behalf of the City, to accept the letter of intent dated April 10, 1981, from Bindagraphics, Inc. to the City; making certain legislative findings; authorizing and empowering the Board of Finance of the City, by a resolution or resolutions adopted prior to the issuance, sale and delivery of any series of such bonds, to (a) prescribe, among other things but not limited to, the form, terms, provisions, manner or method of issuing and selling (including negotiated as well as competitive bid sale), and the time or times of issuance, and any and all other details of such bonds, and (b) do any and all things necessary, proper or expedient in connection with the issuance and sale of such bonds; providing that Bindagraphics, Inc. shall agree to submit any plans and specifications to, and to coordinate with, the Department of Housing and Community Development in connection with the completion of such project; providing that such bonds (or bond anticipation notes issued in anticipation of the issuance of such bonds) must be issued and sold within six months from the date this

Ordinance is approved by the Mayor, unless the Board of Finance approves one six month extension as provided in this Ordinance; authorizing the issuance of notes in anticipation of the issuance of such revenue bonds; and generally providing for and determining various matters and details in connection with the issuance and sale of such bonds and bond anticipation notes.

### RECITALS

Sub-section (50) of Article II of the Charter of Baltimore City (1964 Revision), as amended (the "Enabling Law"), empowers Mayor and City Council of Baltimore (the "City") to borrow money to finance undertakings for the accomplishment of any of the purposes, objects and powers of the City and in connection therewith to issue bonds, notes, or other obligations (including refunding bonds, notes or other obligations), all of which shall be fully negotiable, payable, as to both principal and interest, solely from and secured solely by a pledge of (I) the revenues from or arising in connection with the property, facilities, developments and improvements whose financing is undertaken by the issuance of such bonds, notes or other obligations, (II) the revenues from or arising in connection with any contracts, mortgages or other securities purchased or otherwise acquired with the proceeds of such bonds, notes or other obligations, (III) the contracts, mortgages or other securities purchased or otherwise acquired with the proceeds of such bonds, notes or other obligations, or (IV) any combination of (I), (II) or (III). The purposes, objects and powers of the City contemplated by the Enabling Law include the relief of conditions of unemployment in Baltimore City, encouraging the increase of industry and a balanced economy in Baltimore City, promoting economic development in Baltimore City, and promoting the health, welfare and safety of the residents of Baltimore City.

The City has received a letter of intent dated April 10, 1981 (the "Letter of Intent") from Bindagraphics, Inc., a Maryland corporation (the "Borrower"), pursuant to which the Borrower has requested the City to participate in the financing of the costs of the completion by the Borrower of a certain project in Baltimore City, Mary-

land (the "Project"), by issuing and selling the City's industrial development revenue bonds in the aggregate principal amount not to exceed \$500,000 (the "Bonds"), and by making the proceeds of the Bonds available to the Borrower to be used by the Borrower for the sole and exclusive purpose of financing the costs of the completion of the Project by the Borrower.

The Project, which is an "undertaking" which will accomplish the purposes, objects and powers of the City as mentioned in the Enabling Law, will consist of the acquisition and installation of certain machinery and equipment necessary or useful in connection with the Borrower's business of binding soft cover books and pamphlets (or in connection with any related expansion thereof) at its principal place of business located at 3104 Viona Avenue in the Lansdowne Area of Baltimore City (or in another location in Baltimore City), all as more fully described in the Letter of Intent.

The Enabling Law provides that the City may authorize and empower the Board of Finance of the City (the "Board") by resolution to determine and set forth the form, terms, provisions, manner or method of issuing and selling (including negotiated as well as competitive bid sale), and the time or times of issuance, and any and all other details of the Bonds and the issuance and sale thereof, and to do any and all things necessary, proper or expedient in connection with the issuance and sale of the Bonds.

NOW THEREFORE, IN ACCORDANCE WITH THE ENABLING LAW:

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That, acting pursuant to the Enabling Law, it is hereby found and determined as follows:

(1) The issuance and sale of the Bonds by the City pursuant to the Enabling Law in order to make the proceeds thereof available to the Borrower for the sole and exclusive purpose of financing the costs of completion of the Project will facilitate and expedite the completion of the Project by the Borrower.



(2) The completion of the Project by the Borrower and the financing of the costs of such completion as provided in this Ordinance will serve to promote the general purposes contemplated by the Enabling Law by (a) sustaining jobs and employment in Baltimore City; (b) promoting economic development in Baltimore City; (c) encouraging the increase of industry and a balanced economy in Baltimore City; and (d) encouraging the expansion of manufacturing operations in Baltimore City.

(3) Any and all of the Bonds shall not be general obligations of the City and shall not be a pledge of or involve the faith and credit or the taxing power of the City, and shall not constitute a debt of the City, all within the meaning of Section 7 of Article XI of the Constitution of Maryland or within the meaning of any other constitutional, statutory or charter provision limiting or restricting the sale or issuance of bonds, notes or other obligations of the City. All of the Bonds shall be limited obligations of the City, and shall be fully negotiable, payable, as to both principal and interest, solely from and secured solely by a pledge of (I) the revenues from or arising in connection with the Project, (II) the revenues from or arising in connection with any contracts, mortgages or other securities purchased or otherwise acquired with the proceeds of the Bonds, (III) the contracts, mortgages or other securities purchased or otherwise acquired with the proceeds of the Bonds, or (IV) any combination of (I), (II) or (III), all as the Board may approve by a resolution or resolutions adopted prior to the issuance, sale and delivery of any of the Bonds.

SEC. 2. *And be it further ordained*, That the City is hereby authorized and empowered to issue and sell, at any time or from time to time and in one or more series, as limited obligations of the City and not upon its full faith and credit, its industrial development revenue bonds, in the aggregate principal amount not to exceed \$500,000, subject to the provisions of this Ordinance. The proceeds of the Bonds will be made available to the Borrower under terms and conditions approved by the Board and set forth in a Resolution, and used by the Borrower for the sole and

exclusive purpose of financing the costs of the completion of the Project.

SEC. 3. *And be it further ordained*, That this Ordinance constitutes the present intent of the City to issue the Bonds, and the Mayor of the City is hereby authorized to accept the Letter of Intent on behalf of the City in order to further evidence the present intent of the City to issue the Bonds in accordance with the terms and provisions of this Ordinance.

SEC. 4. *And be it further ordained*, That, as permitted by the Enabling Law, the Board is hereby authorized and empowered, by a resolution or resolutions adopted prior to the issuance, sale and delivery of any of the Bonds, to:

(a) prescribe, among other things but not limited to, the form, terms, provisions, manner or method of issuing and selling (including negotiated as well as competitive bid sale), and the time or times of issuance, and any and all other details of the Bonds and the issuance and sale thereof;

(b) approve (i) the pledge or assignment by the City of any of the security described in Section 5 of this Ordinance, pursuant to a trust agreement or similar agreement, (ii) the form of any such trust agreement or similar agreement, as provided in the Enabling Law, and (iii) such provisions in any such trust agreement or similar agreement as the Board may deem reasonable and proper for the security of the holders of the Bonds;

(c) approve the terms and conditions, including but not limited to the terms and conditions of any documents to be executed and delivered by the City (other than customary financing statements and closing certificates), under which the proceeds of the Bonds will be made available to the Borrower to finance the costs of the completion of the Project; and

(d) do any and all things necessary, proper or expedient in connection with the issuance, sale and delivery of the Bonds.

SEC. 5. *And be it further ordained*, That any and all of the Bonds shall not be general obligations of the City and

shall not be a pledge of or involve the faith and credit or the taxing power of the City, and shall not constitute a debt of the City, all within the meaning of Section 7 of Article XI of the Constitution of Maryland or any other constitutional, statutory or charter provision limiting or restricting the sale or issuance of bonds, notes or other obligations of the City. All of the Bonds shall be limited obligations of the City, and shall be fully negotiable, payable, as to both principal and interest, solely from and secured solely by a pledge of (I) the revenues from or arising in connection with the Project, (II) the revenues from or arising in connection with any contracts, mortgages or other securities purchased or otherwise acquired with the proceeds of the Bonds, (III) the contracts, mortgages or other securities purchased or otherwise acquired with the proceeds of the Bonds, or (IV) any combination of (I), (II) or (III), all as the Board may approve by a resolution or resolutions adopted prior to the issuance, sale and delivery of any of the Bonds.

SEC. 6. *And be it further ordained*, That the Borrower shall agree that:

(a) it will submit any plans and specifications for the Project to the Department of Housing and Community Development for approval, and that the Department of Housing and Community Development may refuse approval of any plans and specifications for aesthetic or functional reasons; and

(b) it and its developers will work with the design advisory group appointed by the Department of Housing and Community Development in order to achieve high quality site, building, and landscape design.

SEC. 7. *And be it further ordained*, That any and all of the Bonds shall be executed in the name of the City and on its behalf by the Mayor of the City, by his manual or facsimile signature, and by the Director of Finance of the City, by his manual or facsimile signature, and the corporate seal of the City or a facsimile thereof shall be impressed or otherwise reproduced thereon and attested by the Custodian of the City Seal, by his manual signature. Any trust agreement or other documents as the Board



shall deem necessary to effectuate the issuance, sale and delivery of the Bonds shall be executed in the name of the City and on its behalf by the Mayor of the City by his manual or facsimile signature, and the corporate seal of the City or a facsimile thereof shall be impressed or otherwise reproduced thereon and attested by the Custodian of the City Seal by his manual signature. In case any officer whose signature or a facsimile of whose signature shall appear on the Bonds or any of the aforesaid documents shall cease to be such officer before the delivery of the Bonds or any of the other aforesaid documents, such signature or such facsimile shall nevertheless be valid and sufficient for all purposes, the same as if such officer had remained in office until delivery. The Mayor of the City, the Director of Finance of the City, the Custodian of the City Seal and other officials of the City are hereby authorized and empowered to do all such acts and things and execute such documents and certificates as the Board may determine by resolution to be necessary to carry out and comply with the provisions hereof.

SEC. 8. *And be it further ordained*, That any and all necessary financing statements required for the consummation of the transactions authorized by this Ordinance may be executed on behalf of the City by the Mayor of the City or by the Chief, Bureau of Treasury Management of the City or by such other appropriate official of the City as may be designated by the Mayor of the City to execute such financing statements.

SEC. 9. *And be it further ordained*, That the authority to issue the Bonds is intended and shall be deemed to include the authority to issue bond anticipation notes pursuant to Section 12 of Article 31 of the Annotated Code of Maryland (1976 Replacement Volume and 1980 Cumulative Supplement), as amended (the "Bond Anticipation Note Enabling Legislation"). Reference in this Ordinance to the "Bonds" shall include such bond anticipation notes where appropriate. Prior to the issuance, sale and delivery of any series of bond anticipation notes, the Board shall adopt a resolution or resolutions, to:

(a) prescribe, among other things but not limited to, the form, terms, provisions, manner or method of issuing

and selling (including negotiated as well as competitive bid sale), and the time or times of issuance, and any and all other details of such bond anticipation notes and the issuance and sale thereof;

(b) approve (i) the pledge or assignment by the City of any of the security described in Section 5 of this Ordinance, pursuant to a trust agreement or similar agreement, (ii) the form of any such trust agreement or similar agreement, as provided in the Enabling Law, and (iii) such provisions in any such trust agreement or similar agreement as the Board may deem reasonable and proper for the security of the holders of such bond anticipation notes;

(c) approve the terms and conditions, including but not limited to the terms and conditions of any documents to be executed and delivered by the City (other than customary financing statements and closing certificates), under which the proceeds of such bond anticipation notes will be made available to the Borrower to finance the costs of the completion of the Project; and

(d) do any and all things necessary, proper or expedient in connection with the issuance, sale and delivery of such bond anticipation notes.

In accordance with the Bond Anticipation Note Enabling Legislation, the City hereby covenants to pay any bond anticipation notes issued pursuant to this Section of this Ordinance and the interest thereon from the proceeds of the Bonds in anticipation of the sale of which such notes are issued, and the City hereby further covenants to issue such Bonds, as the case may be, when, and as soon as, the reason for deferring the issuance of the Bonds no longer exists. The timely issuance of such Bonds, however, is dependent upon matters not within the control of the City, including (without limitation) the existence of a purchaser or purchasers for such Bonds at the time the reason for deferring the issuance of the Bonds no longer exists and the effectiveness of various actions taken by the Borrower, its officers, agents and employees.

SEC. 10. *And be it further ordained*, That the provisions of this Ordinance are severable, and if any provision,

sentence, clause, section or part hereof is held illegal, invalid or unconstitutional or inapplicable to any person or circumstances, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this Ordinance or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this Ordinance would have been passed if such illegal, invalid or unconstitutional provision, sentence, clause, section or part had not been included herein, and if the person or circumstances to which this Ordinance or any part hereof are inapplicable had been specifically exempted herefrom.

SEC. 11. *And be it further ordained*, That either the Bonds or bond anticipation notes issued pursuant to Section 9 of this Ordinance in anticipation of the issuance of the Bonds must be issued and sold within six months from the date on which this Ordinance is approved by the Mayor of the City; provided, however, that the Board, after a showing of good cause at a public hearing held before the Board prior to or after the expiration of such six month period, may extend the period during which either the Bonds or such bond anticipation notes may be issued and sold for one additional term not to exceed six months from the date on which the first six month period expired. The Board, in its sole discretion, and without action by the City Council, shall determine the sufficiency, or lack thereof, of the reasons presented for any requested extension of the six month period. If an extension is granted, notice of such extension and the reasons therefor must be sent to the City Council. To the extent that neither the Bonds nor such bond anticipation notes are issued and sold within twelve months from the date on which this Ordinance is approved by the Mayor of the City, the authority provided in this Ordinance for the City to issue and sell the Bonds and such bond anticipation notes shall expire.

SEC. 12. *And be it further ordained*, That this Ordinance shall take effect from the date of its passage.

Approved June 5, 1981.

WILLIAM DONALD SCHAEFER, *Mayor*.



No. 323

(Council No. 642)

## AN ORDINANCE concerning

INDUSTRIAL DEVELOPMENT REVENUE BONDS—  
(CONTROL DATA PROPERTIES, INC. PROJECT)

FOR the purpose of authorizing and empowering Mayor and City Council of Baltimore to issue and sell, at any time or from time to time and in one or more series, as limited obligations of the City and not upon its full faith and credit, its industrial development revenue bonds, in the aggregate principal amount not to exceed \$4,000,000, pursuant to the provisions of Sub-section (50) of Article II of the Charter of Baltimore City (1964 Revision), as amended, for the sole and exclusive purpose of financing the costs of the acquisition of a certain project in Baltimore City for the benefit of Control Data Properties, Inc., a Delaware corporation, such project to consist of the acquisition of the real property located at the intersection of Druid Park Drive and Towanda Avenue in Park Circle Industrial Park in Baltimore City, the construction and/or renovation of certain improvements thereon, and the purchase and installation of certain machinery and equipment therein, to be owned by, or leased to, Control Data Properties, Inc., and leased or subleased to various tenants for industrial and office use; authorizing the Mayor of the City, on behalf of the City, to accept the letter of intent dated April 13, 1981 from Control Data Properties, Inc. to the City; making certain legislative findings; authorizing and empowering the Board of Finance of the City, by a resolution or resolutions adopted prior to the issuance, sale and delivery of any series of such bonds, to (a) prescribe, among other things but not limited to, the form, terms, provisions, manner or method of issuing and selling (including negotiated as well as competitive bid sale), and the time or times of issuance, and any and all other details of such bonds, and (b) do any and all things necessary, proper or expedient in connection with the issuance and sale of such bonds; providing that Control Data Properties,

Inc. shall agree to submit any plans and specifications to, and to coordinate with, the Department of Housing and Community Development and the Baltimore Economic Development Corporation in connection with the completion of such project; providing that such bonds (or bond anticipation notes issued in anticipation of the issuance of such bonds) must be issued and sold within twelve months from the date this Ordinance is approved by the Mayor, unless the Board of Finance approves one twelve month extension as provided in this Ordinance; authorizing the issuance of notes in anticipation of the issuance of such revenue bonds; and generally providing for and determining various matters and details in connection with the issuance and sale of such bonds and bond anticipation notes.

### RECITALS

Sub-section (50) of Article II of the Charter of Baltimore City (1964 Revision), as amended (the "Enabling Law"), empowers Mayor and City Council of Baltimore (the "City") to borrow money to finance undertakings for the accomplishment of any of the purposes, objects and powers of the City and in connection therewith to issue bonds, notes, or other obligations (including refunding bonds, notes or other obligations), all of which shall be fully negotiable, payable, as to both principal and interest, solely from and secured solely by a pledge of (I) the revenues from or arising in connection with the property, facilities, developments and improvements whose financing is undertaken by the issuance of such bonds, notes or other obligations, (II) the revenues from or arising in connection with any contracts, mortgages or other securities purchased or otherwise acquired with the proceeds of such bonds, notes or other obligations, (III) the contracts, mortgages or other securities purchased or otherwise acquired with the proceeds of such bonds, notes or other obligations, or (IV) any combination of (I), (II) or (III). The purposes, objects and powers of the City contemplated by the Enabling Law include the relief of conditions of unemployment in Baltimore City, encouraging the increase of industry and a bal-

anced economy in Baltimore City, promoting economic development in Baltimore City, and promoting the health, welfare and safety of the residents of Baltimore City.

The City has received a letter of intent dated April 13, 1981 (the "Letter of Intent") from Control Data Properties, Inc., a Delaware corporation (the "Borrower"), pursuant to which the Borrower has requested the City to participate in the financing of the costs of the acquisition of a certain project in Baltimore City, Maryland (the "Project"), by (among other means) (a) issuing and selling the City's industrial development revenue bonds in the aggregate principal amount not to exceed \$4,000,000 (the "Bonds"), or, at the election of the Borrower, (b), in combination with such Bonds, any other means authorized by the laws of the State of Maryland (the "State"), including, without limitation, the Maryland Industrial Land Act, as amended from time to time. In the event that the Borrower elects to request the City to participate in the financing of the acquisition of the Project by issuing the Bonds in combination with other means authorized by the laws of the State, the aggregate principal amount of the Bonds to be issued will be reduced in proportion to the amount of funds made available through such other means. In addition, the aggregate principal amount of the Bonds to be issued, whether or not in combination with such other means, will be dependent upon the size and manner of construction of the Project which is elected by the Borrower.

The Project, which is an "undertaking" which will accomplish the purposes, objects and powers of the City as mentioned in the Enabling Law, will consist generally of (a) the utilization of a tract of land containing approximately 5.8 acres, located at the intersection of Druid Park Drive and Towanda Avenue in the Park Circle Industrial Park in Baltimore City, (b) the construction thereon of a building or buildings or, at the option of the Borrower, the construction of a building and the renovation of an existing building known as School 18, so that the aggregate square footage of such building or buildings will be between 80,000 and 120,000, (c) to the extent permitted by applicable law, the ac-



quisition and installation in such building or buildings of such machinery and equipment as may be necessary or useful in connection with the operation thereof, and (d) the acquisition of such other interests in land as may be necessary or suitable for the foregoing, including roads and rights of access, utilities and other necessary site preparation facilities. Upon completion, the Project will be owned by, or leased by the City to, the Borrower and leased or subleased to various tenants for use as industrial and office facilities.

The Enabling Law provides that the City may authorize and empower the Board of Finance of the City (the "Board") by resolution to determine and set forth the form, terms, provisions, manner or method of issuing and selling (including negotiated as well as competitive bid sale), and the time or times of issuance, and any and all other details of the Bonds and the issuance and sale thereof, and to do any and all things necessary, proper or expedient in connection with the issuance and sale of the Bonds.

NOW THEREFORE, IN ACCORDANCE WITH THE ENABLING LAW:

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That acting pursuant to the Enabling Law, it is hereby found and determined as follows:

(1) The issuance and sale of the Bonds by the City pursuant to the Enabling Law in order to make the proceeds thereof available for the sole and exclusive purpose of financing the costs of acquisition of the Project will facilitate and expedite the acquisition of the Project.

(2) The acquisition of the Project and the financing of the costs of such acquisition as provided in this Ordinance will serve to promote the general purposes contemplated by the Enabling Law by (a) relieving conditions of unemployment in Baltimore City; (b) promoting economic development in Baltimore City and the health, welfare and safety of residents of the City; and (c) encouraging the increase of industry and a balanced economy in Baltimore City.

(3) Any and all of the Bonds shall not be general obligations of the City and shall not be a pledge of or involve the faith and credit or the taxing power of the City, and shall not constitute a debt of the City, all within the meaning of Section 7 of Article XI of the Constitution of Maryland or within the meaning of any other constitutional, statutory or charter provision limiting or restricting the sale or issuance of Bonds, notes or other obligations of the City. All of the Bonds shall be limited obligations of the City, and shall be fully negotiable, payable, as to both principal and interest, solely from and secured solely by a pledge of (I) the revenues from or arising in connection with the Project, (II) the revenues from or arising in connection with any contracts, mortgages or other securities purchased or otherwise acquired with the proceeds of the Bonds, (III) the contracts, mortgages or other securities purchased or otherwise acquired with the proceeds of the Bonds, or (IV) any combination of (I), (II) or (III), all as the Board may approve by a resolution or resolutions adopted prior to the issuance, sale and delivery of any of the Bonds.

SEC. 2. *And be it further ordained*, That the City is hereby authorized and empowered to issue and sell, at any time or from time to time and in one or more series, as limited obligations of the City and not upon its full faith and credit, its industrial development revenue bonds, in the aggregate principal amount not to exceed \$4,000,000, subject to the provisions of this Ordinance. The proceeds of the Bonds will be made available under terms and conditions approved by the Board and set forth in a Resolution, and used for the sole and exclusive purpose of financing the costs of the acquisition of the Project.

SEC. 3. *And be it further ordained*, That this Ordinance constitutes the present intent of the City to issue the Bonds, and the Mayor of the City is hereby authorized to accept the Letter of Intent on behalf of the City in order to further evidence the present intent of the City to issue the Bonds in accordance with the terms and provisions of this Ordinance.

SEC. 4. *And be it further ordained*, That, as permitted by the Enabling Law, the Board is hereby authorized and

empowered, by a resolution or resolutions adopted prior to the issuance, sale and delivery of any of the Bonds, to:

(a) prescribe, among other things but not limited to, the form, terms, provisions, manner or method of issuing and selling (including negotiated as well as competitive bid sale), and the time or times of issuance, and any and all other details of the Bonds and the issuance and sale thereof;

(b) approve (i) the pledge or assignment by the City of any of the security described in Section 5 of this Ordinance, pursuant to a trust agreement or similar agreement, (ii) the form of any such trust agreement or similar agreement, as provided in the Enabling Law, and (iii) such provisions in any such trust agreement or similar agreement as the Board may deem reasonable and proper for the security of the holders of the Bonds;

(c) approve the terms and conditions, including but not limited to the terms and conditions of any documents to be executed and delivered by the City (other than customary financing statements and closing certificates), under which the proceeds of the Bonds will be made available to finance the costs of the acquisition of the Project; and

(d) do any and all things necessary, proper or expedient in connection with the issuance, sale and delivery of the Bonds.

SEC. 5. *And be it further ordained*, That any and all of the Bonds shall not be general obligations of the City and shall not be a pledge of or involve the faith and credit or the taxing power of the City, and shall not constitute a debt of the City, all within the meaning of Section 7 of Article XI of the Constitution of Maryland or any other constitutional, statutory or charter provision limiting or restricting the sale or issuance of bonds, notes or other obligations of the City. All of the Bonds shall be limited obligations of the City, and shall be fully negotiable, payable, as to both principal and interest, solely from and secured solely by a pledge of (I) the revenues from or arising in connection with the Project, (II) the revenues from or arising in connection with any contracts, mortgages or other securities purchased or otherwise acquired



with the proceeds of the Bonds, (III) the contracts, mortgages or other securities purchased or otherwise acquired with the proceeds of the Bonds, or (IV) any combination of (I), (II) or (III), all as the Board may approve by a resolution or resolutions adopted prior to the issuance, sale and delivery of any of the Bonds.

SEC. 6. *And be it further ordained*, That the Borrower shall agree that:

(a) it will submit any plans and specifications for the Project to the Department of Housing and Community Development and the Baltimore Economic Development Corporation for approval, and that the Department of Housing and Community Development may refuse approval of any plans and specifications for aesthetic or functional reasons; and

(b) it and its developers will work with the City's Design Advisory Panel in order to achieve high quality site, building, and landscape design.

SEC. 7. *And be it further ordained*, That any and all of the Bonds shall be executed in the name of the City and on its behalf by the Mayor of the City, by his manual or facsimile signature, and by the Director of Finance of the City, by his manual or facsimile signature, and the corporate seal of the City or a facsimile thereof shall be impressed or otherwise reproduced thereon and attested by the Custodian of the City Seal, by his manual signature. Any trust agreement or other documents as the Board shall deem necessary to effectuate the issuance, sale and delivery of the Bonds shall be executed in the name of the City and on its behalf by the Mayor of the City by his manual or facsimile signature, and the corporate seal of the City or a facsimile thereof shall be impressed or otherwise reproduced thereon and attested by the Custodian of the City Seal by his manual signature. In case any officer whose signature or a facsimile of whose signature shall appear on the Bonds or any of the aforesaid documents shall cease to be such officer before the delivery of the Bonds or any of the other aforesaid documents, such signature or such facsimile shall nevertheless be valid and sufficient for all purposes, the same as if such

officer had remained in office until delivery. The Mayor of the City, the Director of Finance of the City, the Custodian of the City Seal and other officials of the City are hereby authorized and empowered to do all such acts and things and execute such documents and certificates as the Board may determine by resolution to be necessary to carry out and comply with the provisions hereof.

SEC. 8. *And be it further ordained*, That any and all necessary financing statements required for the consummation of the transactions authorized by this Ordinance may be executed on behalf of the City by the Mayor of the City or by the Chief, Bureau of Treasury Management of the City or by such other appropriate official of the City as may be designated by the Mayor of the City to execute such financing statements.

SEC. 9. *And be it further ordained*, That the authority to issue the Bonds is intended and shall be deemed to include the authority to issue bond anticipation notes pursuant to Section 12 of Article 31 of the Annotated Code of Maryland (1976 Replacement Volume and 1980 Cumulative Supplement), as amended (the "Bond Anticipation Note Enabling Legislation"). Reference in this Ordinance to the "Bonds" shall include such bond anticipation notes where appropriate. Prior to the issuance, sale and delivery of any series of bond anticipation notes, the Board shall adopt a resolution or resolutions, to:

(a) prescribe, among other things but not limited to, the form, terms, provisions, manner or method of issuing and selling (including negotiated as well as competitive bid sale), and the time or times of issuance, and any and all other details of such bond anticipation notes and the issuance and sale thereof;

(b) approve (i) the pledge or assignment by the City of any of the security described in Section 5 of this Ordinance, pursuant to a trust agreement or similar agreement, (ii) the form of any such trust agreement or similar agreement, as provided in the Enabling Law, and (iii) such provisions in any such trust agreement or similar agreement as the Board may deem reasonable and proper

for the security of the holders of such bond anticipation notes;

(c) approve the terms and conditions, including but not limited to the terms and conditions of any documents to be executed and delivered by the City (other than customary financing statements and closing certificates), under which the proceeds of such bond anticipation notes will be made available to the Borrower to finance the costs of the completion of the Project; and

(d) do any and all things necessary, proper or expedient in connection with the issuance, sale and delivery of such bond anticipation notes.

In accordance with the Bond Anticipation Note Enabling Legislation, the City hereby covenants to pay any bond anticipation notes issued pursuant to this Section of this Ordinance and the interest thereon from the proceeds of the Bonds in anticipation of the sale of which such notes are issued, and the City hereby further covenants to issue such Bonds, as the case may be, when, and as soon as, the reason for deferring the issuance of the Bonds no longer exists. The timely issuance of such Bonds, however, is dependent upon matters not within the control of the City, including (without limitation) the existence of a purchaser or purchasers for such Bonds at the time the reason for deferring the issuance of the Bonds no longer exists and the effectiveness of various actions taken by the Borrower, its officers, agents and employees.

SEC. 10. *And be it further ordained*, That the provisions of this Ordinance are severable, and if any provision, sentence, clause, section or part hereof is held illegal, invalid or unconstitutional or inapplicable to any person or circumstances, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this Ordinance or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this Ordinance would have been passed if such illegal, invalid or unconstitutional provision, sentence, clause, section or part had not been included herein, and if the person or circumstances to which this



Ordinance or any part hereof are inapplicable had been specifically exempted herefrom.

SEC. 11. *And be it further ordained*, That either the Bonds or bond anticipation notes issued pursuant to Section 9 of this Ordinance in anticipation of the issuance of the Bonds must be issued and sold within twelve months from the date on which this Ordinance is approved by the Mayor of the City; provided, however, that the Board, after a showing of good cause at a public hearing held before the Board prior to or after the expiration of such twelve month period, may extend the period during which either the Bonds or such bond anticipation notes may be issued and sold for one additional term not to exceed twelve months from the date on which the first twelve month period expired. The Board, in its sole discretion, and without action by the City Council, shall determine the sufficiency, or lack thereof, of the reasons presented for any requested extension of the twelve month period. If an extension is granted, notice of such extension and the reasons therefor must be sent to the City Council. To the extent that neither the Bonds nor such bond anticipation notes are issued and sold within twenty-four months from the date on which this Ordinance is approved by the Mayor of the City, the authority provided in this Ordinance for the City to issue and sell the Bonds and such bond anticipation notes shall expire.

SEC. 12. *And be it further ordained*, That this Ordinance shall take effect from the date of its passage.

Approved June 5, 1981.

WILLIAM DONALD SCHAEFER, *Mayor*.

No. 324

(Council No. 635)

AN ORDINANCE concerning

INDUSTRIAL DEVELOPMENT REVENUE  
BONDS—100 HOPKINS PLACE LIMITED  
PARTNERSHIP

FOR the purpose of supplementing and amending Ordinance No. 84 of Mayor and City Council of Baltimore, approved by the Mayor on June 9, 1980, to (a) increase from \$2,800,000 to \$4,500,000 the aggregate principal amount of industrial development revenue bonds that Mayor and City Council of Baltimore is authorized and empowered to issue, sell and deliver under Ordinance No. 84, as limited obligations of Mayor and City Council of Baltimore and not upon its full faith and credit, for the sole and exclusive purpose of financing the construction of a parking facility to be located at 100 Hopkins Place in Baltimore City, pursuant to the provisions of Sub-section (50) of Article II of the Charter of Baltimore City (1964 Revision), as amended, and (b) extending from six months to 24 months the authorization for the City to issue, sell and deliver the industrial development revenue bonds authorized by Ordinance No. 84 and to be designated "Baltimore City, Maryland Industrial Development Revenue Bonds (100 Hopkins Place Commercial Facility Project) and Baltimore City, Maryland Industrial Development Revenue Bonds (100 Hopkins Place Parking Facility Project)".

BY repealing and reenacting, with amendments,  
Ordinance No. 84 of Mayor and City Council of  
Baltimore, approved June 9, 1980

Section 3

Section 8

Section 19

## RECITALS

WHEREAS, Mayor and City Council of Baltimore (the "City"), by Ordinance No. 84, approved by the Mayor

on June 9, 1980 (the "Ordinance"), authorized and empowered the City to issue, sell and deliver, at one time or from time to time and in one or more series, as limited obligations of the City and not upon its full faith and credit, its Baltimore City, Maryland Industrial Development Revenue Bonds (100 Hopkins Place Commercial Facility Project), in the aggregate principal amount not to exceed \$1,000,000 (the "Commercial Facility Bonds"), subject to the provisions of the Ordinance, for the sole and exclusive purpose of financing the acquisition and construction of a commercial facility to be located at 100 Hopkins Place in Baltimore City, to be leased by 100 Hopkins Place Limited Partnership, a Maryland limited partnership (the "Borrower"), to various tenants for use as office and retail space; and

WHEREAS, pursuant to the Ordinance, the City has also authorized and empowered the City to issue, sell and deliver at one time or from time to time and in one or more series, as limited obligations of the City and not upon its full faith and credit, its Baltimore City, Maryland Industrial Development Revenue Bonds (100 Hopkins Place Parking Facility Project), in the aggregate principal amount not to exceed \$2,800,000 (the "Parking Facility Bonds"), subject to the provisions of the Ordinance, for the sole and exclusive purpose of financing the acquisition and construction of a public parking facility (the "Parking Facility"), which will contain one story of retail space, to be operated and leased by the Borrower; and

WHEREAS, the Borrower's original estimate of costs for acquisition and construction of the Parking Facility was contingent upon the receipt of additional funds pursuant to an Urban Development Action Grant ("UDAG") authorized by the United States Department of Housing and Urban Development, and the Borrower has now been notified that a UDAG will not be made for the benefit of the Borrower and, consequently, the Borrower must reestimate and recalculate the costs of the acquisition and construction of the Parking Facility; and

WHEREAS, the Borrower has determined that due to its inability to obtain a UDAG and increased costs of



construction, the costs of construction of the Parking Facility will exceed \$2,800,000, and, accordingly, the Borrower has requested that the City increase the aggregate principal amount of the Parking Facility Bonds which it is authorized to issue, sell and deliver under the Ordinance from \$2,800,000 to \$4,500,000; and

WHEREAS, the Borrower has only recently been informed that it would not receive a UDAG and must now revise its estimate of costs for the acquisition and construction of the Parking Facility before being able to finalize negotiations with a purchaser of the Commercial Facility Bonds and the Parking Facility Bonds and, therefore, the Borrower has requested an extension from six months to 24 months of the authorization provided in the Ordinance for the City to issue and sell the Commercial Facility Bonds and the Parking Facility Bonds; and

WHEREAS, the City has determined that the issuance and sale of the Commercial Facility Bonds and the Parking Facility Bonds by the City pursuant to Subsection (50) of Article II of the Charter of Baltimore City (1964 Revision), as amended (the "Enabling Law") and the acquisition of the Commercial Facility and the Parking Facility and the financing thereof as provided in the Ordinance will promote the declared legislative purposes of the Enabling Law and are in the best interests of the citizens of Baltimore City, Maryland, and that in order to accomplish the public purposes of the Enabling Law and the Ordinance, it is in the best interests of the citizens of Baltimore City, Maryland to increase from \$2,800,000 to \$4,500,000 the aggregate principal amount of Parking Facility Bonds which the City is authorized to issue, sell and deliver pursuant to the Ordinance, and to extend from six months to 24 months the authorization to issue the Commercial Facility Bonds and the Parking Facility Bonds pursuant to the Ordinance.

NOW, THEREFORE, IN ACCORDANCE WITH THE ENABLING LAW:

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That the City is hereby authorized and em-

powered to issue, sell and deliver the Parking Facility Bonds, at one time or from time to time and in one or more series, in the aggregate principal amount not to exceed \$4,500,000, subject to all of the provisions set forth in the Ordinance, none of which provisions are in any way rescinded, amended, changed or modified by this supplemental ordinance except as specifically set forth herein.

SEC. 2. *And be it further ordained*, That Section 3 of the Ordinance is hereby repealed, amended, and reenacted to read as follows:

SEC. 3. *And be it further ordained*, That the City is hereby authorized and empowered to issue, sell and deliver, at one time or from time to time and in one or more series, as limited obligations of the City and not upon its full faith and credit, its Baltimore City, Maryland Industrial Development Revenue Bonds (100 Hopkins Place Parking Facility Project), in the aggregate principal amount not to exceed ~~[\$2,800,000]~~ \$4,500,000 (the "Parking Facility Bonds"), subject to the provisions of this Ordinance. The proceeds of the Parking Facility Bonds will be loaned to the Borrower pursuant to the terms and provisions of the Parking Facility Loan Agreement, to be used by the Borrower for the sole and exclusive purpose of financing the acquisition and construction of the Parking Facility. The Parking Facility Bonds and the interest thereon shall be limited obligations of the City, repayable by the City solely from the revenue derived from Parking Facility Loan repayments (both principal and interest) made to the City by the Borrower pursuant to the Parking Facility Loan Agreement and from any other moneys made available to the City for such purpose. The security for the Parking Facility Bonds shall be solely and exclusively as provided in Section 1 of this Ordinance.

SEC. 3. *And be it further ordained*, That Section 8 of the Ordinance is hereby repealed, amended, and reenacted as follows:

SEC. 8. *And be it further ordained*, That the Commercial Facility Bonds shall be executed, issued and

delivered at any time or from time to time and in such amount or amounts not exceeding, in the aggregate, the principal amount of \$1,000,000, as the Board shall prescribe in the Resolution. The Parking Facility Bonds shall be executed, issued and delivered at any time or from time to time and in such amount or amounts not exceeding, in the aggregate, the principal amount of **[\$2,800,000]** \$4,500,000, as the Board shall prescribe in the Resolution.

SEC. 4. *And be it further ordained*, That Section 19 of the Ordinance is hereby repealed, amended, and reenacted as follows:

SEC. 19. *And be it further ordained*, That if the Bonds are not issued and sold within **[six]** *twenty-four* months from the date on which this Ordinance is approved by the Mayor of the City, the authorization provided in this Ordinance for the City to issue and sell the Bonds shall expire; provided, however, that the Board of Finance, extend such authorization **[of]** *for* one additional term not to exceed six months. The Board of Finance, in its sole discretion shall determine the sufficiency, or lack thereof, of the reasons presented for any requested extension of this Ordinance. If an extension is granted, notice of such extension and the reasons therefor must be sent to the City Council.

SEC. 5. *And be it further ordained*, That this supplemental ordinance shall take effect from the date of its passage.

Approved June 9, 1981.

WILLIAM DONALD SCHAEFER, *Mayor*.



## No. 325

(Council No. 499)

## AN ORDINANCE concerning

## PISTOLS

FOR the purpose of repealing certain provisions of the Baltimore City Code relating to pistols.

## BY repealing

Article 19—Police Ordinances

Sections 106 through 110, inclusive

Baltimore City Code (1976 Edition, as amended)

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That Sections 106 through 110, inclusive of Article 19, title "Police Ordinances" of the Baltimore City Code (1976 Edition, as amended) be and are hereby repealed:

## Article 19

## Police Ordinances

## [106. False information.

No person shall, in purchasing or otherwise securing delivery of a pistol, or in registering the same, give false information or offer false evidence of his identity.

## 107. Target shooters; licensed retailers.

Nothing in the preceding sections shall be construed to prevent a target shooter from carrying anywhere within the City one or more target pistols with barrels at least four inches long or 45-caliber United States service pistol unloaded and in a bag, box or securely wrapped package but not concealed on his person, it being permissible to use such target pistols on any rifle range, shooting gallery or target range within the City. The preceding sections of this sub-title shall not apply to purchases by licensed retailers from manufacturers, wholesalers, or jobbers, or to purchases by wholesalers or jobbers from manufacturers.

## 108. Penalties.

Any violation of any provision of the foregoing sections constitutes an offense punishable by a fine of not more than five hundred dollars (\$500.00) or imprisonment for not more than one year, or by both such fine and imprisonment.

## 109. Legislative intent.

It is hereby declared to be the legislative intention in the passage of this subtitle to further aid in the suppression of crime and it is to be liberally construed to effectuate this purpose.

## 110. Separability.

If any provision of this subtitle or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the subtitle which can be given effect without the invalid provision or application, and to this end the provisions of this subtitle are declared to be severable.】

SEC. 2. *And be it further ordained*, That this ordinance shall take effect on the date of its passage.

Approved June 11, 1981.

WILLIAM DONALD SCHAEFER, *Mayor*.

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No. 326

(Council No. 500)

AN ORDINANCE concerning

VANDALISM BY MINORS

FOR the purpose of correcting the age of a minor and ~~deleting the limitation on~~ RAISING the amount of damages for which the minor and parents can be liable.

BY amending

Article 6—Courts

Subtitle—Vandalism

Section 6

Baltimore City Code (1976 Edition, as amended)

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That Section 6 of Article 6 of the Baltimore City Code (1976 Edition, as amended), title "Courts", subtitle "Vandalism" be and it is hereby repealed and re-ordained with amendments to read as follows:

## VANDALISM

### 6. Parents' responsibility for children.

Any act of wilful misconduct of a minor under [twenty-one] 18 years of age who is living with his parent or parents or legal guardian, which results in any injury to the property of another, shall be imputed for all purposes of civil damages to the parent, parents, or legal guardian having custody or control of the minor; and the parent, parents or legal guardian having custody or control of the minor shall be jointly and severally liable with the minor for any damages resulting from such wilful misconduct.

The joint and several liability of one or both parents or of the legal guardian for any one act of wilful misconduct under this section shall be limited to actual damages [not exceeding five hundred dollars (\$500.00)] FIVE THOUSAND DOLLARS (\$5,000.00) plus taxable costs.

SEC. 2. *And be it further ordained*, That this ordinance shall take effect thirty days from the date of its passage.

Approved June 11, 1981.

WILLIAM DONALD SCHAEFER, *Mayor*.

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No. 327

(Council No. 525)

AN ORDINANCE concerning

## OFF-STREET PARKING COMMISSION

FOR the purpose of adjusting the list of municipal employees on the Off-Street Parking Commission.



BY amending

Article 31—Transit and Traffic

Subtitle—Off-Street Parking

Section 63(a)

Baltimore City Code (1976 Edition, as amended)

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That Section 63(a) of Article 31 of the Baltimore City Code (1976 Edition, as amended) be and it is hereby repealed and reordained with amendments to read as follows:

### OFF-STREET PARKING

63. Commission; powers, members, duties.

(a) Commission created, members. Pursuant to the power and authority vested in the Mayor and City Council of Baltimore by Chapter 611 of the Laws of Maryland of 1947, and Chapter 28 of the Laws of Maryland of 1948, Special Session, and by Ordinance No. 338, approved July 2, 1948, there is hereby created a commission to be known as "The Off-Street Parking Commission of Baltimore City," to consist of eleven (11) members, seven (7) of whom shall be the following: the Mayor or his designee, a member of the City Council who shall be elected by that body, the Commissioner of Housing and Community Development or his designee, the Director of Planning or his designee, the Commissioner of Transit and Traffic or his designee, the Director of Finance or his designee, and the [Deputy Treasurer] Director of Public Works or his designee, and four (4) of whom shall be persons interested in the development and establishment of off-street parking facilities, and other matters relating to parking, and who shall be appointed by the Mayor of Baltimore City in the manner prescribed by Section 6 of Article IV of the Baltimore City Charter (1964 Revision). None of the persons appointed by the Mayor shall hold any other public office either at the time of his appointment or thereafter. Any person who is an officer, employee, agent or representative of any individual, partnership, corporation or association who or which is engaged in the business of storing, parking or servicing motor vehicles, shall not be appointed a member of the Commission.

SEC. 2. *And be it further ordained*, That this ordinance shall take effect upon the date of its passage.

Approved June 11, 1981.

WILLIAM DONALD SCHAEFER, *Mayor*.

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No. 328

(Council No. 551)

AN ORDINANCE concerning

REZONING—851 McHENRY STREET

FOR the purpose of changing the zoning for the property located at 851 McHenry Street from the M-3 Zoning District to the R-8 Zoning District as outlined in red on the plats accompanying this ordinance.

BY amending

Zoning District Maps

Sheet No. 54

Article 30—Zoning

Baltimore City Code (1976 Edition, as amended)

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That Sheet No. 54 of the Zoning District Maps of Article 30 of the Baltimore City Code (1976 Edition, as amended) title "Zoning" be and it is hereby amended by changing from the M-3 Zoning District to the R-8 Zoning District the property located at 851 McHenry Street as outlined in red on the plats accompanying this ordinance.

SEC. 2. *And be it further ordained*, That upon passage of this ordinance by the City Council, as evidence of the authenticity of the plat which is a part hereof and in order to give notice to the departments which are administering the Zoning Ordinance, the President of the City Council shall sign the plat and when the Mayor approves the ordinance, he shall sign the plat. The Director of Finance shall then transmit a copy of the ordinance and one of the plats

to the following: the Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of the Department of Housing and Community Development, and the Zoning Administrator.

SEC. 3. *And be it further ordained*, That this ordinance shall take effect thirty days from the date of its passage.

Approved June 11, 1981.

WILLIAM DONALD SCHAEFER, *Mayor*.

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No. 329

(Council No. 604)

AN ORDINANCE concerning

SUPPLEMENTARY APPROPRIATION—  
DEPARTMENT OF PUBLIC WORKS

FOR the purpose of providing a supplementary water utility fund appropriation in the amount of One Million Three Hundred Seven Thousand Dollars (\$1,307,000) to the Department of Public Works to be used for additional operating expenses which could not reasonably be anticipated at the time of formulation of the proposed fiscal 1981 Ordinance of Estimates.

BY authority of

Article VI—Board of Estimates

Section 2(h) (3)

Baltimore City Charter (1964 Revision as amended)

WHEREAS, the money appropriated herein represents revenue produced by charges for water supply services in excess of the revenue estimated and relied upon by the Board of Estimates in determining the tax levy required to balance the budget for the fiscal year 1981 and is therefore available for appropriation to the Department of Public Works pursuant to the provisions of Article VI, Section 2(h) (3) of the 1964 revised Charter of Baltimore City; and



WHEREAS, the additional sum here appropriated is for a program included in the current Ordinance of Estimates and said sum is made necessary by a material change in circumstances since the formulation and adoption of such ordinance, in accordance with Article VI, Section 2(h) (3) of said Charter; and

WHEREAS, the supplementary water utility fund appropriation ordained herein has been recommended to the City Council by the Board of Estimates, said recommendation having been made at a regular meeting of said Board held on the 15th day of April, 1981, all in accordance with Article VI, Section 2(h) (3) of said Charter.

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That under the provisions of Article VI, Section 2 of the 1964 revision of the Charter of Baltimore City as amended, the sum of One Million Three Hundred Seven Thousand Dollars (\$1,307,000) shall be made available to the Department of Public Works as a supplementary water utility fund appropriation for the fiscal year ending June 30, 1981, for the purpose of additional operating expenses which could not reasonably be anticipated at the time of formulation of the proposed fiscal 1981 Ordinance of Estimates. The amount thus made available as a supplementary water utility fund appropriation shall be expended from revenue derived from charges for water supply services in excess of the amount from this source which was estimated and relied upon by the Board of Estimates in determining the tax levy required to balance the budget for the 1981 fiscal year; and said funds shall be the source of revenue for this supplementary water utility fund appropriation, as required by Article VI, Section 2 of the Baltimore City Charter (1964 Revision as amended).

Provided that said sum of One Million Three Hundred Seven Thousand Dollars (\$1,307,000) shall be appropriated as follows:

|                                                                          |           |
|--------------------------------------------------------------------------|-----------|
| Program 546, Water Distribution, Water Meters<br>and Investigation ..... | \$671,000 |
| Program 552, Water Supply Treatment and<br>Pumping .....                 | 559,200   |

|                                                         |        |
|---------------------------------------------------------|--------|
| Program 553, Water Administration and Engineering ..... | 75,000 |
| Program 561, Metered Water Services .....               | 1,800  |

SEC. 2. *And be it further ordained*, That this ordinance shall take effect from the date of its passage.

Approved June 11, 1981.

WILLIAM DONALD SCHAEFER, *Mayor*.

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No. 330

(Council No. 622)

AN ORDINANCE concerning

ISSUANCE OF INDUSTRIAL DEVELOPMENT  
REVENUE BONDS—KENTUCKY-OHIO  
TRANSPORTATION CO. PROJECT

FOR the purpose of supplementing the provisions of Ordinance No. 140 of the Mayor and City Council of Baltimore, passed by the City Council on July 21, 1980, approved by the Mayor on August 6, 1980 ("Ordinance No. 140") which authorized the issuance by the Mayor and City Council of Baltimore (the "City") of its revenue bonds designated "City of Baltimore, Industrial Development Revenue Bonds, 1980 Series A (Kentucky-Ohio Transportation Co. Project)", in an aggregate principal amount not exceeding thirty-five million dollars (\$35,000,000), in order to loan the proceeds to Kentucky-Ohio Transportation Co., an indirect wholly-owned subsidiary of Occidental Petroleum Corporation, a California corporation, for the purpose of financing the acquisition by such corporation of certain port facilities in the City of Baltimore, as provided in Ordinance No. 140; authorizing and providing for the issuance by the City of its revenue bonds designated "Mayor and City Council of Baltimore, Industrial Development Revenue Bonds (Kentucky-Ohio Transportation Co. Project)", in

an aggregate principal amount not exceeding one hundred million dollars (\$100,000,000), (inclusive of the \$35,000,000 in revenue bonds authorized under Ordinance No. 140), in one or more series, pursuant to the provisions of Sections 266A through 266-I, inclusive, of Article 41 of the Annotated Code of Maryland, in order to loan the proceeds to the Company (as defined in this Ordinance) for the acquisition and construction of certain port facilities in the City of Baltimore, as provided in this Ordinance; authorizing the issuance of bonds to refund such revenue bonds and providing that (a) reference to "bonds" in this Ordinance shall include such refunding bonds and (b) any such refunding bonds shall replace that portion of the authorized face amount of bonds previously issued hereunder which such refunding bonds will refund and shall not be deemed to reduce the maximum authorized face amount of bonds permitted to be issued hereunder; confirming, restating and augmenting certain findings and provisions of Ordinance No. 140; making certain legislative findings, among others, concerning the public benefit and purpose of the revenue bonds; providing that such revenue bonds (a) shall be payable solely and only from revenue derived from payments to the City on account of such loan and (b) shall not ever constitute within the meaning of any constitutional or charter provision or otherwise (i) an indebtedness of the City, or any other political subdivision of the State of Maryland or (ii) a charge against the general credit or taxing powers of the City; providing that the commitment made by Ordinance No. 140 and in Bill No. 147 adopted March 24, 1980 by the City Council shall continue and that this Ordinance shall itself constitute a binding and enforceable commitment by the City to the Company to issue the revenue bonds so authorized; providing that such revenue bonds may be issued in one or more series; authorizing the private (negotiated) sale of such revenue bonds; providing that certain matters pertaining to such revenue bonds, including (without limitation) amounts and dates of any series of such revenue bonds, shall be determined administratively at or prior to the time of such private sale of any series of such revenue bonds; delegating various matters to the Board of Finance of



the City, including (without limitation) the sale of any series of such revenue bonds, the establishment of the interest rate or rates at the time of such private sale and the appointment of a trustee to act under this Ordinance and pursuant to a trust indenture as a trustee for all moneys received by the City hereunder; providing that there shall be determined by resolution or by other appropriate action all other matters pertaining to the issuance, sale and delivery of any series of such revenue bonds, including (without limitation) the provisions of trust between the City and the trustee, the execution of a trust indenture, the creation of a project fund to be held by the trustee and provision for its disbursement, provision for the investment of moneys held by the trustee, provision of remedies for bondholders in the event of default, and provision for the enactment of supplemental ordinances and resolutions; providing that the Company and the City may accomplish the acquisition of such port facilities utilizing various financing arrangements deemed most suitable and advisable to the Company and the City; providing for a period through August 6, 1983 during which such revenue bonds (exclusive of any refunding bonds authorized hereunder) may be sold and issued, unless such authorization is extended by the Board of Finance for an additional term not to exceed six months (such extension not to be unreasonably withheld); and generally providing for and determining various matters in connection with the authorization, issuance, security, sale and payment of such revenue bonds and related refunding bonds.

### RECITALS

Sections 266A through 266-I, inclusive, of Article 41 of the Annotated Code of Maryland, as re-enacted and amended (the "Enabling Legislation") constitute those provisions of Maryland law authorizing the issuance of industrial revenue bonds by all the counties and municipalities of the State of Maryland (the "State").

The Enabling Legislation empowers the counties and municipalities of the State, including the Mayor and City Council of Baltimore (the "City"), to issue revenue bonds and to loan the proceeds of the sale of such

revenue bonds to an "industrial concern" to finance the acquisition by such concern of "industrial buildings" and "port facilities", as those terms are defined in the Enabling Legislation. The Enabling Legislation further empowers the counties and cities of the State to use the proceeds of such revenue bonds to finance the acquisition or construction of "industrial buildings" and "port facilities" and to lease or sell by installment sale those facilities so acquired to "industrial concerns." The Enabling Legislation declares it to be the legislative purpose to relieve conditions of unemployment in the State, to encourage the increase of industry and a balanced economy in the State, to assist in the retention of existing industry in the State, to promote economic development, to reduce pollution of the environment and protect natural resources, and in this manner to promote the health, welfare and safety of the residents of each of the counties and municipalities of the State.

Ordinance No. 140 of the City, passed by the City Council on July 21, 1980 and approved by the Mayor on August 6, 1980, ("Ordinance No. 140"), by its terms, constituted a binding and enforceable commitment by the City to issue its revenue bonds pursuant to the Enabling Legislation and either to loan the proceeds to Kentucky-Ohio Transportation Co. or to lease the facilities financed with the proceeds of the revenue bonds to such corporation, in order to finance the acquisition (as defined in the Enabling Legislation) of certain port facilities in the City of Baltimore, Maryland. Ordinance No. 140 re-affirmed the City's intention to issue the revenue bonds as expressed in Bill No. 147 adopted March 24, 1980 by the City Council ("Bill No. 147").

Since July, 1980, Kentucky-Ohio Transportation Co. and Occidental Petroleum Corporation, a California corporation ("Occidental"), through active planning for and development of such port facilities, have been able to provide (i) refinement in the scope of the planned facilities, allowing better utilization of the facilities and offering additional coal handling capacity (the "Port Facilities") and (ii) a supplemented financing and security structure which could prove advantageous to the City, Kentucky-Ohio Transportation Co. and Occidental,

especially during a period of severe market fluctuation and uncertainty (the "Financing Structure"). Therefore, Kentucky-Ohio Transportation Co. has approached the City to present the plan for the Port Facilities and the Financing Structure as a supplement to Ordinance No. 140. The City has determined that such supplementation will better implement the spirit and intent of Bill No. 147 and Ordinance No. 140 and is in the best interests of the City, the citizens of the City of Baltimore and the citizens of the State. It is the present purpose and intent of the City that Bill No. 147 and Ordinance No. 140, as supplemented by this Ordinance, continue to constitute a binding and enforceable commitment of the City to issue its revenue bonds to finance the Port Facilities.

Thus, the City has determined to implement further its existing commitment under Bill No. 147 and Ordinance No. 140 to issue revenue bonds to finance the Port Facilities, by supplementing its authorization to issue revenue bonds under Ordinance No. 140, by authorizing the issuance and sale of not exceeding \$100,000,000 aggregate principal amount of its "Mayor and City Council of Baltimore, Industrial Development Revenue Bonds (Kentucky-Ohio Transportation Co. Project)" (the "Bonds"), in one or more series, and to loan the proceeds of the Bonds, utilizing the Financing Structure, in order to finance the acquisition and construction of the Port Facilities to relieve conditions of unemployment in the State, to encourage the increase of industry and a balanced economy in the State, to assist in the retention of existing industry in the State, to promote economic development, to reduce pollution of the environment and protect natural resources, and in this manner to promote the health and welfare of the residents of the City of Baltimore and the State.

Kentucky-Ohio Transportation Co. has developed estimates of the total cost of acquisition and construction of the Port Facilities based on the actual costs incurred or contracted by such corporation since the enactment of Ordinance No. 140, existing technology and regulations together with presently available studies, cost data, bidding data and other relevant information. Experience in the fi-



nancing and acquisition of facilities similar in nature to the Port Facilities has demonstrated, however, that developing technology, changing requirements of Federal and State regulatory agencies, changing economic circumstances and substantial inflation in acquisition and construction costs, among other matters, often render initial estimates of the cost of such facilities inadequate. Accordingly, the City has determined to authorize the issuance of the Bonds in an amount exceeding the presently estimated total cost of the acquisition of the Port Facilities, with the intention that no series of Bonds shall be issued pursuant to this Ordinance in an amount in excess of the cost of those Port Facilities being financed by such Bonds as estimated or otherwise determined at the time of the issuance of such Bonds; provided that any series of Bonds issued to refund Bonds previously issued to finance such costs shall be deemed to be issued for the purpose for which the former bonds were issued and shall not be deemed to reduce the maximum authorized face amount of Bonds permitted to be issued hereunder. (Such costs may include, without limitation, underwriting discount, interest during construction, if any, and financing costs such as fees of attorneys, accountants and other consultants.)

The Port Facilities will be located on a tract or tracts of land in the vicinity of the B & O Curtis Bay Terminal at Curtis Bay in the City of Baltimore, and will consist of the land for the Port Facilities and a dock or docks and related coal handling and storage facilities, including, without limitation, railroad tracks, railroad car spotters and dumpers, conveyors, storage facilities, additional land for storage, sampling tower, related service and office facilities, air and water pollution control facilities, roads, or other rights of access, utilities, foundations, pilings, excavations, dredgings and other necessary or desirable facilities, all related buildings, structures, machinery, devices, furnishings and equipment for the receiving of coal by rail, the unloading and transferring of coal to ground storage or to ocean going vessels, and the reclaiming of coal from storage for transshipment, and all improvements, modifications and additions to all or any portion of the Port Facilities,

whether such Facilities are now in existence or are hereafter acquired, constructed or come into existence, as such port facilities may be modified or supplemented from time to time as provided in this Ordinance.

This Ordinance ratifies and reaffirms the transaction (now more fully detailed) which Kentucky-Ohio Transportation Co. proposed to the City by a letter of intent dated April 17, 1980, as restated by a letter dated April 27, 1981, in accordance with Section 266B(d) of the Enabling Legislation.

As used hereinafter in this Ordinance, "Company" shall refer to (i) Kentucky-Ohio Transportation Co., (ii) Occidental, (iii) any direct or indirect wholly-owned subsidiary of Occidental, or (iv) any entity organized to facilitate the Financing Structure for the purpose of acquiring and constructing the Port Facilities, either alone or in any arrangement (including a leveraged lease financing or other financing arrangement) with any of the entities set forth in items (i), (ii), (iii) and (iv) of this paragraph.

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That, the City, acting pursuant to the Enabling Legislation, hereby confirms, restates and augments the findings set forth in Ordinance No. 140; and it is hereby found and determined, as follows:

1. The issuance of revenue bonds by the City pursuant to the Enabling Legislation in order to loan the proceeds to the Company for the purpose of acquiring, rehabilitating, remodeling, extending and improving the Port Facilities will facilitate and expedite the acquisition, rehabilitation, remodeling, extension and improvement of the Port Facilities by the Company;

2. The accomplishment of the transaction contemplated and authorized by this Ordinance, including (without limitation) the acquisition, rehabilitation, remodeling, extension and improvement of the Port Facilities by the Company and the financing thereof will (i) sustain and increase jobs and employment, thereby relieving conditions of unemployment in the State and in the City of Baltimore; (ii) encourage the increase of industry and a balanced

economy in the State and in the City of Baltimore; (iii) assist in the retention of existing industry in the State and in the City of Baltimore or in attracting new industry to the State and the City of Baltimore; (iv) promote economic development; (v) reduce pollution of the environment and protect natural resources; and (vi) promote the health, welfare and safety of the residents of the State and of the City of Baltimore.

3. In addition to authorizing the City itself to acquire and either to lease or to sell such facilities to an industrial concern, the Enabling Legislation, as an alternative procedure, authorizes financing of the Port Facilities to be accomplished in the form of a loan to the industrial concern. It is hereby determined by the City to be in the best interests of the citizens of the City of Baltimore to finance the Port Facilities by a loan to the Company. This Ordinance further contemplates and authorizes the assignment of the City's interest in the payments made and security provided pursuant to the Financing Documents (defined hereinafter) to a trustee pursuant to a trust indenture (the "Indenture").

4. Neither the Bonds nor interest coupons issued under the authority of the Enabling Legislation constitute an indebtedness of the City, the State or any other political subdivision thereof, or a charge against the general credit or taxing powers of any of them within the meaning of any constitutional provision, provisions of the City Charter or statutory limitation, and shall never constitute or give rise to any pecuniary liability of the City, the State or any other political subdivision thereof. The principal amount of the payments to be made by the Company (whether as scheduled, at maturity, upon acceleration, upon default or otherwise) pursuant to a financing agreement or any other document constituting a part of the Financing Structure executed pursuant to this Ordinance (collectively, the "Financing Documents") will be, by the terms of the Indenture, assigned to, and will be disbursed by, the independent trustee appointed by the City Council or Board of Finance of the City pursuant hereto; no such moneys will be commingled with the City's funds or be subject to the absolute control of the City but only to such limited supervision and checks as are deemed necessary



or desirable to insure that the proceeds of the Bonds are used to accomplish the public purposes of the Enabling Legislation and this Ordinance. The public purposes of the Enabling Legislation are intended to be achieved by facilitating the acquisition, rehabilitation, remodeling, extension and improvement of the Port Facilities by the Company.

5. The City will acquire no interest in the Port Facilities (except that, when the Bonds are issued, the City may be granted a lien or security interest pursuant to the Financing Documents) for the purpose of creating any security for the Bonds, which security shall be solely and exclusively the absolute, irrevocable, unconditional obligation of the Company to make the payments required by the Financing Documents.

Accordingly, this Ordinance definitely determines that the amount of revenue necessary to be set apart and applied to the payment of principal, interest and premium, if any, of the Bonds shall be the entire amount of the receipts and revenues of the City from payments under the Financing Documents, except for any rights of the City to indemnification and to payments for the City's administrative expenses. The Financing Documents may provide for additional security to be granted for the Bonds so long as such security is consistent with the purpose and intent of the Enabling Legislation.

6. No part or proportion of the receipts and revenues of the City from the payments under the Financing Documents shall be set aside as a depreciation account (mentioned in the Enabling Legislation) since the City finds it unnecessary to create, either in its own behalf or on behalf of the holders of any Bonds, an interest in the Port Facilities and such a depreciation account would (i) be inconsistent with the transactions authorized hereby and (ii) place an unreasonable burden on the Company so as to adversely affect the feasibility of the transactions and thus frustrate the legislative purposes of the Enabling Legislation.

7. The Financing Structure shall consist of a loan of the proceeds of the Bonds to the Company and any agreement, transaction or arrangement among the entities con-

stituting the Company which permits the acquisition and construction of the Port Facilities in a manner most beneficial to the City and any such entity. The Financing Structure may include, without limitation, a combination of interim and long term financing, advances of Bond proceeds or any other amounts between or among such entities to accomplish the acquisition of the Port Facilities, equity investment and participation (by one or more persons or entities) in the financing of the Port Facilities, the mortgaging of all or any part of the Port Facilities to the City for assignment to the Bond trustee and the leasing or sub-leasing of all or any part of the Port Facilities by or among any such entities. It is intended that the specific financing structure contemplated for any series of Bonds shall be set forth in the Administrative Resolution (defined herein) implementing this Ordinance with respect to such series of Bonds.

SEC. 2. *And be it further ordained*, That this Ordinance is intended to be, and shall constitute an affirmation of the City's intent to issue the Bonds as expressed in Bill No. 147 and Ordinance No. 140, and a continuation of the binding and enforceable commitment by the City to the Company to issue, deliver and sell the Bonds authorized hereby for the financing of the Port Facilities.

SEC. 3. *And be it further ordained*, That the issuance, sale and delivery of not exceeding \$100,000,000 aggregate principal amount of revenue bonds, hereby designated "Mayor and City Council of Baltimore, Industrial Development Revenue Bonds (Kentucky-Ohio Transportation Co. Project)", are hereby authorized, subject to the provisions of this Ordinance, the Enabling Legislation and the Indenture, such Bonds to be payable from, and secured by, the revenue derived from payments made by the Company pursuant to the Financing Documents and the proceeds, if any, of any other security granted for the Bonds pursuant to the Financing Documents. In the event that the credit of Occidental is extended in connection with the Financing Structure, as contemplated by the letter of intent dated April 17, 1980, then the name of Occidental Petroleum Corporation may be shown in the name of the Bonds to disclose such fact.

The aggregate principal amount of Bonds issued, sold and delivered pursuant to Ordinance No. 140 and this Ordinance shall not exceed \$100,000,000, unless such amount shall be increased by an ordinance supplemental hereto; provided that any series of Bonds issued hereunder to refund any series of Bonds previously issued hereunder shall replace that portion of the authorized face amount of Bonds previously issued and shall not be deemed to reduce the maximum authorized face amount of Bonds permitted to be issued hereunder.

The Bonds authorized by this Ordinance may be issued in one or more series, and each such series shall be identified by a letter designation. The Bonds may be further identified by the year of issue or such other appropriate designation as may be determined by the administrative resolution or resolutions adopted prior to the delivery of the Bonds by the City Council or the Board of Finance, as the case may be (collectively, the "Administrative Resolution"). The designation of the Bonds may be changed in the Administrative Resolution to reflect the nature of the Bonds as port facilities bonds. The aggregate principal amount of Bonds of any series shall be determined by the Administrative Resolution adopted prior to the delivery of the Bonds.

The obligation to repay the loan of the proceeds of the Bonds shall be evidenced by an unconditional obligation in the Financing Documents or a note or other instrument which the City and the Company deem to be sufficient for such purpose. In the event more than one series of Bonds are issued hereunder, it is contemplated that a separate obligation or series (which may be evidenced by a single instrument) of notes or other instruments of the Company (evidencing the obligation of the Company to repay the loan from the City) be issued to correspond with, and secure, each separate series of Bonds issued hereunder.

The bonds of a series of Bonds shall be dated as of the first day of the month next following the date on which such series of Bonds is sold unless a different date shall be set in the Administrative Resolution. Such Bonds shall bear interest at a rate or rates, payable semi-annually, to be determined in the Administrative Resolution.



The bonds of each series of Bonds issued hereunder shall mature on such date or dates as may be determined in the Administrative Resolution, but the last maturity of any such series of Bonds shall in no event exceed a period of thirty (30) years from the date of issuance of such series of Bonds (or such later date as may be permitted under the terms of the Enabling Legislation in effect on the date of such series of Bonds). If no maturity or maturities for a series of Bonds is determined in the Administrative Resolution all of the Bonds of such series shall mature on the date thirty (30) years from the date of such series of Bonds (or such later date as may be permitted under the terms of the Enabling Legislation in effect on the date of such series of Bonds).

SEC. 4. *And be it further ordained*, That the authority hereunder to issue the Bonds is intended and shall be deemed to include the authority to issue refunding bonds pursuant to the Enabling Legislation. References in this Ordinance to the "Bonds" shall include such refunding bonds where appropriate. Prior to the issuance, sale and delivery of any series of refunding bonds, the Board of Finance or the City Council, as the case may be, shall adopt a resolution or resolutions which shall prescribe the maturity or maturities, interest rate or rates and other terms of such bonds and the price or prices at which such bonds will be sold. It is hereby found and determined that the best interests of the City will be served by selling such bonds by private negotiation by the City with a prospective purchaser(s), placement agent(s) or underwriter(s), as authorized by the said Section 12, unless, upon request of the Company, such resolution or resolutions provide that such bonds shall be sold at public sale.

Any resolution or resolutions adopted pursuant to this Section of this Ordinance shall be deemed to be of an administrative nature and shall be effective upon approval by the Mayor or the Acting Mayor of the City.

Any series of Bonds issued hereunder to refund any series of Bonds previously issued hereunder shall replace that portion of the authorized face amount of Bonds previously issued and shall not be deemed to reduce the

maximum authorized face amount of Bonds permitted to be issued hereunder.

SEC. 5. *And be it further ordained*, That, prior to the delivery of any series of Bonds, the Administrative Resolution shall prescribe the Financing Structure to be employed with respect to the Port Facilities, the principal amount of Bonds to be issued as a series and the maturity or maturities, redemption provisions, and the sinking fund requirements, if any, for such series of Bonds.

Prior to the delivery of any series of Bonds, the Administrative Resolution may prescribe (i) the date of issue of such series of Bonds, (ii) any additional terms necessary or appropriate to reflect any matters provided by resolution and (iii) such other matters as may be deemed appropriate by the City Council or the Board of Finance, as the case may be.

The Administrative Resolution as contemplated in this Section 5 and in Sections 6, 7 and 8 shall be adopted by the Board of Finance, unless otherwise adopted by the City Council. The Administrative Resolution adopted pursuant to this Ordinance shall be deemed to be of an administrative nature and shall be effective upon approval by the Mayor or Acting Mayor of the City.

SEC. 6. *And be it further ordained*, That it is hereby found and determined that the best interests of the City will be served by selling the Bonds at private sale as authorized by the Enabling Legislation, upon the terms and conditions determined by the Board of Finance as hereinafter authorized.

(i) Authority is hereby conferred on the Board of Finance of the City to take the following actions and to make the following commitments on behalf of the City for each series of Bonds:

a. to determine the date, time and place when a purchase, placement or underwriting agreement shall be submitted by the purchaser(s), placement agent(s) or underwriter(s) for the Bonds, such agreement to specify the interest rate or rates proposed to be paid on the Bonds, the price at which such Bonds are to be sold, and such

other matters as the purchaser(s), placement agent(s) or underwriter(s) and such Board of Finance may deem necessary or desirable in order to effect the sale and delivery of the Bonds;

b. to determine the interest rate or rates to be paid by the City on the Bonds in accordance with the proposed purchase, placement or underwriting agreement submitted by the purchaser(s), placement agent(s) or underwriter(s) for the Bonds, but only after the Company shall have given the City written approval of such rate or rates;

c. to appoint a bank having trust powers or a trust company, with the concurrence of the Company, as trustee for the Bonds to be issued pursuant to this Ordinance and to assign to such trustee, pursuant to the Indenture, the City's interest in the payments under the Financing Documents and any other security granted for the Bonds pursuant to the Financing Documents; and

d. in order to insure that such Bonds are issued without direct cost to the City, to provide for the payment, directly by the Company, of all costs, fees and expenses incurred by or on behalf of the City in connection with the issuance of the Bonds, such payment to include (without limitation) compensation to any persons performing services by or on behalf of the City in connection with the transactions contemplated by this Ordinance.

(ii)' Authority is hereby conferred on the Mayor or Acting Mayor of the City to take the following actions and to make the following commitments on behalf of the City:

a. to execute and deliver a financing agreement by and between the City and the Company in the form determined by Administrative Resolution;

b. to execute and deliver, as a binding and enforceable obligation of the City, the purchase, placement or underwriting agreement for the Bonds by and between the City and the purchaser(s), placement agent(s) or underwriter(s) for the Bonds and to proceed to accomplish any and all actions necessary or deemed appropriate by any of them to issue and deliver the Bonds to such purchaser(s), placement agent(s) or underwriter(s) in accordance with the provisions of this Ordinance and such agreement;



c. to execute and deliver the Indenture as a binding and enforceable obligation of the City in the form determined by the Administrative Resolution; and

d. to execute and deliver, as binding and enforceable obligations of the City, any of the Financing Documents requiring such execution which are approved by the Administrative Resolution.

SEC. 7. *And be it further ordained*, That, in authorizing the sale of revenue bonds to finance the Port Facilities for the Company pursuant to the Enabling Legislation, the City is hereby empowered to provide that the revenue bonds authorized by this Ordinance and any revenue bonds authorized for such purpose by other ordinances, may be consolidated and sold as one or more issues or series of revenue bonds, without regard to the date of enactment of any ordinance authorizing the issuance of such revenue bonds. The aggregate principal amount of revenue bonds authorized by this Ordinance may be increased, from time to time, and the description of the Port Facilities may be supplemented or modified by ordinances supplemental to this Ordinance. Nothing contained in this Ordinance is intended to require the adoption of an ordinance supplemental to this Ordinance to authorize the deletion of any one or more items of the industrial facilities constituting the Port Facilities. The City is hereby expressly authorized, in its discretion and based upon its determinations and the recommendations of the Company from time to time, to delete any part of the Port Facilities from the Port Facilities to be financed by revenue bonds issued pursuant to this Ordinance. It is the purpose and intent of this section that the City be afforded broad discretion in the structuring and scheduling of revenue bond issues, whether authorized by this Ordinance or otherwise, to finance the Port Facilities for the Company in order that the public purpose of the Enabling Legislation and this Ordinance may be realized.

SEC. 8. *And be it further ordained*, That, prior to the sale of any series of Bonds, the Administrative Resolution or other appropriate action of the City Council or Board of Finance may determine:

1. the provisions of trust and the terms of the Indenture between the City and the trustee;
2. the manner of execution, authentication, registration and transfer of the Bonds;
3. provisions for authentication and delivery of the Bonds;
4. the provisions of any financing agreement between the City and the Company;
5. the terms of the obligation, agreement or note or notes or other evidence of the obligation of the Company entered into or issued for each series of Bonds;
6. the terms of the Financing Documents or any supplemental or amended Financing Documents or other security for the Bonds;
7. the provisions of any purchase, placement or underwriting agreement between the City and the purchaser(s), placement agent(s) or underwriter(s) of the Bonds;
8. provision for creation, holding and disbursement of a project fund to be held by the trustee;
9. provisions for creation, holding and disbursement of any other funds and accounts to be held by the trustee;
10. provisions for the application of receipts and revenues from the Company on account of the financing;
11. provisions for the investment of moneys held by the trustee;
12. the details of the procedure for the redemption of the Bonds;
13. remedies for holders of the Bonds in the event of default;
14. the duties, rights and immunities of the trustee;
15. the manner of execution of instruments by the holders of the Bonds and the methods of proof of ownership of the Bonds;
16. provisions for modification of this Ordinance, any financing agreement, any Financing Document, the Inden-

ture and any resolution or other action of the Mayor, City Council and Board of Finance pertaining to the Bonds;

17. provisions for defeasance;

18. the forms of the Bonds, coupons and the trustee's authentication certificate; and

19. such other matters in connection with the authorization, issuance, security, sale and payment of the Bonds as may be deemed appropriate by the City Council or the Board of Finance.

SEC. 9. *And be it further ordained*, That if the Bonds are not issued and sold prior to August 6, 1983, the authorization provided in this Ordinance for the City to issue and sell the Bonds shall expire; provided, however, that the Board of Finance of the City may, after a showing of good cause at a public hearing held before the Board of Finance, extend such authorization for one additional term not to exceed six months. The Board of Finance, in its sole discretion, shall determine the sufficiency, or lack thereof, of the reasons presented for any requested extension of this Ordinance, but approval of such requested extension shall not be unreasonably withheld. If an extension is granted, notice of such extension and the reasons therefor shall be sent to the City Council.

The requirement to issue Bonds during the period through August 6, 1983 set forth in this Section 9 shall pertain only to the original issuance of Bonds hereunder and shall not pertain to any series of refunding Bonds issued hereunder.

If any series of Bonds is issued under this Ordinance during the period through August 6, 1983, all remaining authority to issue Bonds contained in this Ordinance shall continue to be effective and shall not expire.

SEC. 10. *And be it further ordained*, That the provisions of this Ordinance are severable, and if any provision, sentence, clause, section or part thereof is held illegal, invalid or unconstitutional or inapplicable to any person or circumstances, such illegality, invalidity, unconstitutionality or inapplicability shall not affect or impair any of



the remaining provisions, sentences, clauses, sections or parts of the Ordinance or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this Ordinance would have been adopted if such illegal, invalid or unconstitutional provision, sentence, clause, section or part had not been included herein.

SEC. 11. *And be it further ordained*, That this Ordinance shall take effect from the date of its passage.

Approved June 11, 1981.

WILLIAM DONALD SCHAEFER, *Mayor*.

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No. 331

(Council No. 637)

AN ORDINANCE concerning

INDUSTRIAL DEVELOPMENT REVENUE BONDS  
(30 SOUTH CALVERT ASSOCIATES  
LIMITED PARTNERSHIP PROJECT)

FOR the purpose of (a) authorizing and empowering Mayor and City Council of Baltimore to issue and sell, at any time or from time to time and in one or more series, as limited obligations of the City and not upon its full faith and credit, its industrial development revenue bonds in an aggregate principal amount not exceeding \$800,000.00 pursuant to the provisions of Subsection (50) of Article II of the Charter of Baltimore City (1964 Revision), as amended, for the sole and exclusive purpose of financing the costs of the completion by 30 South Calvert Associates Limited Partnership of a certain project consisting of the acquisition of the real property located at 30 South Calvert Street in the City of Baltimore, Maryland (including the existing improvements thereon), the renovation of certain improvements thereon, and the purchase and installation of certain machinery and equipment therein, to be owned by the

Borrower and leased to one or more tenants for use as office and commercial facilities; (b) authorizing the Mayor of the City, on the City's behalf, to accept the letter of intent dated April 6, 1981, from the Borrower to the City; (c) making certain legislative findings; (d) authorizing and empowering the City's Board of Finance by one or more resolutions adopted before the issuance, sale and delivery of any series of such bonds, to (i) prescribe, among other things but not limited to, the form, terms, provisions, manner or method of issuing and selling such bonds (including one or more negotiated or competitive bid sales), the time or times of their issuance, and any and all other details of such bonds, and (ii) do any and all things necessary, proper or expedient in connection with the issuance and sale of such bonds; (e) authorizing the Board to adopt one or more supplemental resolutions for certain purposes; (f) authorizing the issuance of notes in anticipation of the issuance of such bonds; (g) providing that the Borrower shall agree to submit any plans and specifications to, and to cooperate with, the City's Department of Housing and Community Development in connection with the completion of such project; (h) providing that such bonds or bond anticipation notes must be issued and sold within six (6) months from the date on which this Ordinance is approved by the Mayor, unless the Board approves one six-month extension as provided in this Ordinance; and (i) generally providing for and determining various matters and details in connection with the issuance and sale of such bonds and bond anticipation notes.

### RECITALS

Article II, subsection (50) of the Charter of Baltimore City (1964 Revision), as amended (hereinafter referred to as "the Enabling Law"), empowers Mayor and City Council of Baltimore (herein referred to as "the City") to borrow money to finance undertakings for the accomplishment of any of the City's purposes, objects and powers and in connection therewith to issue bonds, notes or other obligations (including refunding bonds, notes or other obligations), all of which shall be

fully negotiable and payable, as to both principal and interest, solely from and secured solely by a pledge of any one or more of (a) the revenues from or arising in connection with the property, facilities, developments and improvements whose financing is undertaken by the issuance of such bonds, notes or other obligations, (b) the revenues from or arising in connection with any contracts, mortgages or other securities, purchased or otherwise acquired with the proceeds of such bonds, notes or other obligations, or (c) the contracts, mortgages or other securities purchased or otherwise acquired with the proceeds of such bonds, notes or other obligations. The purposes, objects and powers of the City contemplated by the Enabling Law include the relief of conditions of unemployment in the City of Baltimore, Maryland, encouraging the increase of industry and a balanced economy therein, promoting economic development therein, and promoting the health, welfare and safety of the residents thereof.

The City has received a letter of intent dated April 6, 1981 (hereinafter referred to as "the Letter of Intent") from 30 South Calvert Associates Limited Partnership, a limited partnership organized and existing under the law of Maryland (herein referred to as "the Borrower"), pursuant to which the Borrower has requested the City to participate in financing the costs of the Borrower's completion of a certain project in the City of Baltimore, Maryland (herein referred to as "the Project"), by issuing and selling the City's industrial development revenue bonds in an aggregate principal sum not exceeding \$800,000.00 (hereinafter referred to as "the Bonds"), and by making the proceeds of the Bonds available to the Borrower to be used by the Borrower for the sole and exclusive purpose of financing the costs of the Borrower's completion of the Project.

The Project will consist generally of (a) the acquisition of a tract of land located at 30 South Calvert Street, Baltimore, Maryland, and the existing improvements thereon (consisting of, among other things, a seven-story building containing approximately 14,000 square feet of floor area), (b) the renovation of such existing



improvements for offices and commercial space, (c) the acquisition, construction and installation in such improvements of such machinery and equipment, and such other improvements, as may be necessary or useful in connection with the operation thereof, and (d) the acquisition of such other interests in land (including, by way of example rather than of limitation, roads, rights of access, utilities and other necessary site preparation facilities) as may be necessary or suitable for the foregoing purposes. Upon its completion, the Project will be owned by the Borrower and leased to one or more tenants for use as offices and commercial facilities. The Borrower anticipates that one such tenant will be Dalsemer, Catzen and Associates, Inc., the principals of which are also principals of the Borrower. The identities of other such tenants have not yet been determined.

The Enabling Law provides that the City may authorize and empower the City's Board of Finance (herein referred to as "the Board") by resolution to determine and set forth the form, terms, provisions, manner or method of issuing and selling the Bonds (including one or more negotiated or competitive bid sales), the time or times of their issuance, and any and all other details of the Bonds and the issuance and sale thereof, and to do any and all things necessary, proper or expedient in connection with the issuance and sale of the Bonds.

NOW, THEREFORE, IN ACCORDANCE WITH THE PROVISIONS OF THE ENABLING LAW,

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That, acting pursuant to the provisions of the Enabling Law, it is hereby found and determined that

1.1. The City's issuance and sale of the Bonds pursuant to the provisions of the Enabling Law in order to make the proceeds thereof available to the Borrower for the sole and exclusive purpose of financing the costs of completion of the Project will facilitate and expedite such completion.

1.2. The Borrower's completion of the Project and the financing of the costs thereof as provided in this Ordi-

nance will serve to promote the general purposes contemplated by the Enabling Law by (a) sustaining and increasing jobs and employment in the City of Baltimore, (b) promoting economic development therein, and (c) encouraging the increase of industry and a balanced economy therein.

1.3. The Bonds shall not be general obligations of the City, shall not be a pledge of or involve the City's faith and credit or taxing power, and shall not constitute a debt of the City, all within the meaning of the provisions of Article XI, section 7 of the Constitution of Maryland or any other constitutional, statutory or charter provision limiting or restricting the sale or issuance of the City's bonds, notes or other obligations. The Bonds shall be limited obligations of the City, shall be fully negotiable, and shall be payable, as to both principal and interest, solely from and secured solely by a pledge any one or more of (a) the revenues from or arising in connection with the Project, (b) the revenues from or arising in connection with any contracts, mortgages or other securities purchased or otherwise acquired with the proceeds of the Bonds, (c) the contracts, mortgages or other securities purchased or otherwise acquired with the proceeds of the Bonds, all as the Board may approve by one or more resolutions adopted before the issuance, sale and delivery of any of the Bonds.

SEC. 2. *And be it further ordained*, That the City is hereby authorized and empowered to issue and sell, at any time or from time to time and in one or more series, as limited obligations of the City and not upon its full faith and credit, its industrial development revenue bonds in an aggregate principal sum not exceeding \$800,000.00, subject to the provisions of this Ordinance. The proceeds of the Bonds shall be made available to the Borrower under terms and conditions approved by the Board and set forth in a resolution, and shall be used by the Borrower for the sole purpose of financing the costs of the completion of the Project. ANY PROCEEDS OF THE BONDS, AND ANY SUMS EARNED BY INVESTMENT OF SUCH PROCEEDS BEFORE DISBURSEMENT, WHICH PROCEEDS AND OTHER SUMS REMAIN UNDISBURSED AFTER MAKING PAYMENT (OR PROVISION THERE-

FOR) IN FULL OF THE COSTS OF THE COMPLETION OF THE PROJECT SHALL BE APPLIED TO THE REDEMPTION OF THE BONDS AT THE EARLIEST PRACTICABLE REDEMPTION DATE.

SEC. 3. *And be it further ordained*, That this Ordinance constitutes the present intent of the City to issue the Bonds, and the Mayor of the City (herein referred to as "the Mayor") is hereby authorized to accept the Letter of Intent on the City's behalf to further evidence the City's present intent to issue the Bonds in accordance with the provisions of this Ordinance.

SEC. 4. *And be it further ordained*, That, as permitted by the Enabling Law, the Board is hereby authorized and empowered, by one or more resolutions adopted before the issuance, sale and delivery of any of the Bonds, to

4.1. prescribe, among other things but not limited to, the form, terms, provisions, manner or method of issuing and selling the Bonds (including one or more negotiated or competitive bid sales), the time or times of their issuance, and any and all other details of the Bonds and their issuance and sale;

4.2. approve (a) the City's pledge or assignment of any of the security described in by the provisions of Section 6 hereof, pursuant to a trust agreement or similar agreement, (b) the form of any such trust agreement or similar agreement, as provided in the Enabling Law, and (c) such provisions in any such trust agreement or similar agreement as the Board may deem reasonable and proper for the security of the holders of the Bonds;

4.3. approve the terms and conditions, including but not limited to the terms and conditions of any documents to be executed and delivered by the City (other than customary financing statements and closing certificates), under which the proceeds of the Bonds will be made available to the Borrower to finance the costs of the completion of the Project; and

4.4. do any and all things necessary, proper or expedient in connection with the issuance, sale and delivery of the Bonds.



SEC. 5. *And be it further ordained*, That the Board is hereby authorized and empowered to adopt one or more resolutions from time to time, either before or after the issuance, sale and delivery of the Bonds, to supplement the resolution or resolutions referred to in the provisions of Sections 4 and 8 hereof, and thereby to approve amendments or supplements to or substitutes for the forms and provisions of the Bonds, such trust agreement or similar agreement and all other documents approved by such resolution or resolutions, provided that each such supplemental resolution and each such amendment, supplement or substitute shall be in accordance with the provisions of the Enabling Law and this Ordinance.

SEC. 6. *And be it further ordained*, That the Bonds shall not be general obligations of the City, shall not be a pledge of or involve the City's faith and credit or taxing power, and shall not constitute a debt of the City, all within the meaning of the provisions of Article XI, section 7 of the Constitution of Maryland or any other constitutional, statutory or charter provision limiting or restricting the sale or issuance of the City's bonds, notes or other obligations. The Bonds shall be limited obligations of the City, shall be fully negotiable, and shall be payable, as to both principal and interest, solely from and secured solely by a pledge of any one or more of (a) the revenues from or arising in connection with the Project, (b) the revenues from or arising in connection with any contracts, mortgages or other securities purchased or otherwise acquired with the proceeds of the Bonds, or (c) the contracts, mortgages or other securities purchased or otherwise acquired with the proceeds of the Bonds, all as the Board may approve by one or more resolutions adopted before the issuance, sale and delivery of any of the Bonds.

SEC. 7. *And be it further ordained*, That the Bonds shall be executed in the City's name and on its behalf by the Mayor, by his manual or facsimile signature, and by the City's Director of Finance, by his manual or facsimile signature, and the City's corporate seal or a facsimile thereof shall be impressed or otherwise reproduced thereon and attested by the Custodian of the City Seal, by his manual signature. The trust agreement or similar agreement and

all other documents approved by the resolution or resolutions referred to in the provisions of Sections 4 and 8 hereof, and any and all amendments thereto approved by a resolution referred to in the provisions of Section 5 hereof, shall be executed in the City's name and on its behalf by the Mayor by his manual signature, and the City's corporate seal or a facsimile thereof shall be impressed or otherwise reproduced thereon and attested by the Custodian of the City Seal, by his manual signature. In case any officer whose signature or a facsimile thereof shall appear on the Bonds or any of the said documents shall cease to be such officer before the delivery of the Bonds or any other such document, such signature or such facsimile shall nevertheless be valid and sufficient for all purposes, as if such officer had remained in office until delivery. The Mayor, the City's Director of Finance, the Custodian of the City Seal and other officials of the City are hereby authorized and empowered to do all such acts and things and execute such documents and certificates as the Board may determine in the resolutions referred to in the provisions of Sections 4, 5 and 8 hereof to be necessary to carry out and comply with the provisions hereof.

SEC. 8. *And be it further ordained*, That the authority to issue the Bonds is intended and shall be deemed to include the authority to issue bond anticipation notes pursuant to the provisions of article 31, section 12 of the Annotated Code of Maryland (1976 Replacement Volume and 1980 Cumulative Supplement), as amended (hereinafter referred to as "the Note Enabling Law"). Reference in this Ordinance to the Bonds shall include such bond anticipation notes where appropriate. As permitted by the provisions of the Enabling Law and the Note Enabling Law, the Board is hereby authorized and empowered, by one or more resolutions adopted before the issuance, sale and delivery of any of such bond anticipation notes, to

8.1. prescribe, among other things but not limited to, the form, terms, provisions, manner or method of issuing and selling any such bond anticipation notes (including one or more negotiated or competitive bid sales), the time or times of their issuance, and any and all other details of such bond anticipation notes and their issuance and sale;

8.2. approve (a) the City's pledge or assignment of any of the security described in the provisions of Section 6 hereof, pursuant to a trust agreement or similar agreement, (b) the form of any such trust agreement or similar agreement, as provided in the Enabling Law or the Note Enabling Law, and (c) such provisions in any such trust agreement or similar agreement as the Board may deem reasonable and proper for the security of the holders of such bond anticipation notes;

8.3. approve the terms and conditions, including but not limited to the terms and conditions of any documents to be executed and delivered by the City (other than customary financing statements and closing certificates), under which the proceeds of such bond anticipation notes will be made available to the Borrower to finance the costs of the completion of the Project; and

8.4. do any and all things necessary, proper or expedient in connection with the issuance, sale and delivery of such bond anticipation notes.

In accordance with the Note Enabling Law, the City hereby covenants (a) to pay any bond anticipation notes issued pursuant to the provisions of this Section, and the interest thereon, from the proceeds of the Bonds in anticipation of the sale of which such notes are issued, and (b) to issue such Bonds when, and as soon as, the reason for deferring the issuance of the Bonds no longer exists. The timely issuance of such Bonds, however, is dependent upon matters not within the City's control, including (without limitation) the existence of a purchaser or purchasers of such Bond when the reason for deferring the issuance of the Bonds no longer exists, and the effectiveness of various actions taken by the Borrower, its officers, agents and employees.

SEC. 9. *And be it further ordained*, That the Borrower shall agree that

9.1. it will submit any plans and specifications for the Project to the City's Department of Housing and Community Development for approval, and that such Department may refuse approval of any such plans and specifications for aesthetic or functional reasons; and



9.2. it and its developers will work with the design advisory group appointed by such Department to achieve high quality site, building and landscape design.

SEC. 10. *And be it further ordained*, That the provisions of this Ordinance are severable, and if any provision, sentence, clause, section or part hereof is held illegal, invalid or unconstitutional or inapplicable to any person or circumstance, such illegality, invalidity, unconstitutionality or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this Ordinance would have been passed if such illegal, invalid or unconstitutional provision, sentence, clause, section or part had not been included herein, and if the person or circumstances to which this Ordinance or any part hereof is inapplicable had been specifically exempted herefrom.

SEC. 11. *And be it further ordained*, That either the Bonds or any bond anticipation notes issued pursuant to the provisions of Section 8 hereof must be issued and sold within six (6) months from the date on which this Ordinance is approved by the Mayor; provided, that the Board, after a showing of good cause at a public hearing held before the Board before or after the expiration of such six-month period, may extend the period during which either the Bonds or such bond anticipation notes may be issued and sold for one additional term not exceeding six (6) months from the date on which the first six-month period expires. The Board, in its sole discretion and without action by the City Council of the City, shall determine the sufficiency, or lack thereof, of the reasons presented for any requested extension of such six-month period. If an extension is granted, notice of such extension and the reasons therefor must be sent to the City Council of the City. To the extent that neither the Bonds nor such bond anticipation notes are issued and sold within twelve (12) months from the date on which this Ordinance is approved by the Mayor, the authority provided in this Ordinance for the City to issue and sell the Bonds and such bond anticipation notes shall expire.

SEC. 12. *And be it further ordained*, That this Ordinance shall take effect from the date of its passage.

Approved June 11, 1981.

WILLIAM DONALD SCHAEFER, *Mayor*.

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No. 332

(Council No. 639)

AN ORDINANCE concerning

INDUSTRIAL DEVELOPMENT REVENUE  
BONDS—(GARRETT BUILDING PROJECT)

FOR the purpose of authorizing and empowering Mayor and City Council of Baltimore (the "City") to issue and sell, at any time or from time to time and in one or more series, as limited obligations of the City and not upon its full faith and credit, its industrial development revenue bonds, in the aggregate principal amount not to exceed \$1,900,000, pursuant to the provisions of Sub-section (50) of Article II of the Charter of Baltimore City (1964 Revision), as amended, for the sole and exclusive purpose of financing the costs of the completion by Garrett Associates, a Maryland general partnership, of a certain project in Baltimore City consisting of the acquisition of the improved real property known as the Garrett Building, located at 233 East Redwood Street in Baltimore City, the improvement, rehabilitation and renovation thereof, and the purchase and installation of certain machinery, equipment, furnishings, furniture and fixtures therein, to be owned by Garrett Associates and leased to Gordon, Feinblatt, Rothman, Hoffberger & Hollander, a Maryland general partnership, for use as an office building; authorizing the Mayor of the City, on behalf of the City, to accept the letter of intent dated April 7, 1981 from Garrett Associates to the City; making certain legislative findings; authorizing and empowering the Board of Finance of the City, by a resolution or resolutions adopted prior to the issuance,

sale and delivery of any series of such bonds, to (a) prescribe, among other things, but not limited to, the form, terms, provisions, manner or method of issuing and selling (including negotiated as well as competitive bid sale), and the time or times of issuance, and any and all other details of such bonds, and (b) do any and all things necessary, proper or expedient in connection with the issuance and sale of such bonds; providing that Garrett Associates shall agree to submit any plans and specifications to, and to coordinate with, the Department of Housing and Community Development in connection with the completion of such project; providing that such bonds (or bond anticipation notes issued in anticipation of the issuance of such bonds) must be issued and sold within six months from the date this Ordinance is approved by the Mayor, unless the Board of Finance approves one six month extension as provided in this Ordinance; authorizing the issuance of notes in anticipation of the issuance of such revenue bonds; and generally providing for and determining various matters and details in connection with the issuance and sale of such bonds and bond anticipation notes.

### RECITALS

Sub-section (50) of Article II of the Charter of Baltimore City (1964 Revision), as amended, (the "Enabling Law"), empowers Mayor and City Council of Baltimore (the "City") to borrow money to finance undertakings for the accomplishment of any of the purposes, objects and powers of the City and in connection therewith to issue bonds, notes, or other obligations (including refunding bonds, notes or other obligations), all of which shall be fully negotiable, payable, as to both principal and interest, solely from and secured solely by a pledge of (I) the revenues from or arising in connection with the property, facilities, developments and improvements whose financing is undertaken by the issuance of such bonds, notes or other obligations, (II) the revenues from or arising in connection with any contracts, mortgages or other securities purchased or otherwise acquired with the proceeds of such bonds, notes or other obligations, (III) the contracts, mortgages or other securities



purchased or otherwise acquired with the proceeds of such bonds, notes or other obligations, or (IV) any combination of (I), (II) or (III). The purposes, objects and powers of the City contemplated by the Enabling Law include the relief of conditions of unemployment in Baltimore City, encouraging the increase of industry and a balanced economy in Baltimore City, promoting economic development in Baltimore City, and promoting the health, welfare and safety of the residents of Baltimore City.

The City has received a letter of intent dated April 7, 1981 (the "Letter of Intent") from Garrett Associates, a Maryland general partnership (the "Borrower"), pursuant to which the Borrower has requested the City to participate in the financing of the costs of the completion by the Borrower of a certain project in Baltimore City, Maryland (the "Project"), by issuing and selling the City's industrial development revenue bonds in the aggregate principal amount not to exceed \$1,900,000 (the "Bonds"), and by making the proceeds of the Bonds available to the Borrower to be used by the Borrower for the sole and exclusive purpose of financing the costs of the completion of the Project by the Borrower.

The Project, which is an "undertaking" which will accomplish the purposes, objects and powers of the City as mentioned in the Enabling Law, will consist generally of (a) the acquisition of the improved real property known as the Garrett Building and located at 233 East Redwood Street in Baltimore City, (b) the improvement, rehabilitation and renovation of a building containing approximately 47,000 square feet, consisting of office space, and (c) the acquisition and installation in such building of any or all machinery, equipment, furnishings, furniture and fixtures, as may be necessary or useful in connection with the operation thereof. Upon completion, the Project will be owned by the Borrower and leased to Gordon, Feinblatt, Rothman, Hoffberger & Hollander, a Maryland general partnership, for use as an office building.

The Enabling Law provides that the City may authorize and empower the Board of Finance of the City

(the "Board") by resolution to determine and set forth the form, terms, provisions, manner or method of issuing and selling (including negotiated as well as competitive bid sale), and the time or times of issuance, and any and all other details of the Bonds and the issuance and sale thereof, and to do any and all things necessary, proper or expedient in connection with the issuance and sale of the Bonds.

NOW, THEREFORE, IN ACCORDANCE WITH THE ENABLING LAW:

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That acting pursuant to the Enabling Law, it is hereby found and determined as follows:

(1) The issuance and sale of the Bonds by the City pursuant to the Enabling Law in order to make the proceeds thereof available to the Borrower for the sole and exclusive purpose of financing the costs of completion of the Project, will facilitate and expedite the completion of the Project by the Borrower.

(2) The completion of the Project by the Borrower, and the financing of the costs of such completion as provided in this Ordinance, will serve to promote the general purposes contemplated by the Enabling Law by (a) sustaining jobs and employment in Baltimore City; (b) promoting economic development in Baltimore City; and (c) encouraging the increase of industry and a balanced economy in Baltimore City.

(3) Any and all of the Bonds shall not be general obligations of the City, and shall not be a pledge of, or involve the faith and credit or the taxing power of the City, and shall not constitute a debt of the City, all within the meaning of Section 7 of Article XI of the Constitution of Maryland or within the meaning of any other constitutional, statutory or charter provision limiting or restricting the sale or issuance of bonds, notes or other obligations of the City. All of the Bonds shall be limited obligations of the City, and shall be fully negotiable, payable, as to both principal and interest, solely from and secured solely by a pledge of (I) the revenues from or arising in connection with the Project, (II) the revenues from or arising in con-

nection with any contracts, mortgages or other securities purchased or otherwise acquired with the proceeds of the Bonds, (III) the contracts, mortgages or other securities purchased or otherwise acquired with the proceeds of the Bonds, or (IV) any combination of (I), (II) or (III), all as the Board may approve by a resolution or resolutions adopted prior to the issuance, sale and delivery of any of the Bonds.

SEC. 2. *And be it further ordained*, That the City is hereby authorized and empowered to issue and sell, at any time or from time to time and in one or more series, as limited obligations of the City and not upon its full faith and credit, its industrial development revenue bonds, in the aggregate principal amount not to exceed \$1,900,000, subject to the provisions of this Ordinance. The proceeds of the Bonds will be made available to the Borrower under terms and conditions approved by the Board and set forth in a Resolution, and used by the Borrower for the sole and exclusive purpose of financing the costs of the completion of the Project.

SEC. 3. *And be it further ordained*, That this Ordinance constitutes the present intent of the City to issue the Bonds, and the Mayor of the City is hereby authorized to accept the Letter of Intent on behalf of the City in order to further evidence the present intent of the City to issue the Bonds in accordance with the terms and provisions of this Ordinance.

SEC. 4. *And be it further ordained*, That, as permitted by the Enabling Law, the Board is hereby authorized and empowered, by a resolution or resolutions adopted prior to the issuance, sale and delivery of any of the Bonds, to:

(a) prescribe, among other things but not limited to, the form, terms, provisions, manner or method of issuing and selling (including negotiated as well as competitive bid sale), and the time or times of issuance, and any and all other details of the Bonds and the issuance and sale thereof;

(b) approve (i) the pledge or assignment by the City of any of the security described in Section 5 of this Ordinance;



nance, pursuant to a trust agreement or similar agreement, (ii) the form of any such trust agreement or similar agreement, as provided in the Enabling Law, and (iii) such provisions in any such trust agreement or similar agreement as the Board may deem reasonable and proper for the security of the holders of the Bonds;

(c) approve the terms and conditions, including but not limited to the terms and conditions of any documents to be executed and delivered by the City (other than customary financing statements and closing certificates), under which the proceeds of the Bonds will be made available to the Borrower to finance the costs of the completion of the Project; and

(d) do any and all things necessary, proper or expedient in connection with the issuance, sale and delivery of the Bonds.

SEC. 5. *And be it further ordained*, That any and all of the Bonds shall not be general obligations of the City and shall not be a pledge of or involve the faith and credit or the taxing power of the City, and shall not constitute a debt of the City, all within the meaning of Section 7 of Article XI of the Constitution of Maryland or any other constitutional, statutory or charter provision limiting or restricting the sale or issuance of bonds, notes or other obligations of the City. All of the Bonds shall be limited obligations of the City, and shall be fully negotiable, payable, as to both principal and interest, solely from and secured solely by a pledge of (I) the revenues from or arising in connection with the Project, (II) the revenues from or arising in connection with any contracts, mortgages or other securities purchased or otherwise acquired with the proceeds of the Bonds, (III) the contracts, mortgages or other securities purchased or otherwise acquired with the proceeds of the Bonds, or (IV) any combination of (I), (II) or (III), all as the Board may approve by a resolution or resolutions adopted prior to the issuance, sale and delivery of any of the Bonds.

SEC. 6. *And be it further ordained*, That the Borrower shall agree that:

(a) it will submit any plans and specifications for the Project to the Department of Housing and Community Development for approval, and that the Department of Housing and Community Development may refuse approval of any plans and specifications for aesthetic or functional reasons; and

(b) it and its developers will work with the design advisory group appointed by the Department of Housing and Community Development in order to achieve high quality site, building, and landscape design.

SEC. 7. *And be it further ordained*, That any and all of the Bonds shall be executed in the name of the City and on its behalf by the Mayor of the City, by his manual or facsimile signature, and by the Director of Finance of the City, by his manual or facsimile signature, and the corporate seal of the City, or a facsimile thereof, shall be impressed or otherwise reproduced thereon and attested by the Custodian of the City Seal, by his manual signature. Any trust agreement or other documents as the Board shall deem necessary to effectuate the issuance, sale and delivery of the Bonds shall be executed in the name of the City and on its behalf by the Mayor of the City by his manual or facsimile signature, and the corporate seal of the City or a facsimile thereof shall be impressed or otherwise reproduced thereon and attested by the Custodian of the City Seal by his manual signature. In case any officer whose signature, or a facsimile of whose signature, shall appear on the Bonds or any of the aforesaid documents shall cease to be such officer before the delivery of the Bonds or any of the other aforesaid documents, such signature or such facsimile shall nevertheless be valid and sufficient for all purposes, the same as if such officer had remained in office until delivery. The Mayor of the City, the Director of Finance of the City, the Custodian of the City Seal and other officials of the City are hereby authorized and empowered to do all such acts and things, and execute such documents and certificates as the Board may determine by resolution to be necessary to carry out and comply with the provisions hereof.

SEC. 8. *And be it further ordained*, That any and all necessary financing statements required for the consumma-

tion of the transactions authorized by this Ordinance may be executed on behalf of the City by the Mayor of the City or by the Chief, Bureau of Treasury Management, of the City, or by such other appropriate official of the City as may be designated by the Mayor of the City to execute such financing statements.

SEC. 9. *And be it further ordained*, That the authority to issue the Bonds is intended and shall be deemed to include the authority to issue bond anticipation notes pursuant to Section 12 of Article 31 of the Annotated Code of Maryland (1976 Replacement Volume and 1980 Cumulative Supplement), as amended (the "Bond Anticipation Note Enabling Legislation"). Reference in this Ordinance to the "Bonds" shall include such bond anticipation notes where appropriate. Prior to the issuance, sale and delivery of any series of bond anticipation notes, the Board shall adopt a resolution or resolutions, to:

(a) prescribe, among other things but not limited to, the form, terms, provisions, manner or method of issuing and selling (including negotiated as well as competitive bid sale), and the time or times of issuance, and any and all other details of such bond anticipation notes and the issuance and sale thereof;

(b) approve (i) the pledge or assignment by the City of any of the security described in Section 5 of this Ordinance, pursuant to a trust agreement or similar agreement, (ii) the form of any such trust agreement or similar agreement, as provided in the Enabling Law, and (iii) such provisions in any such trust agreement or similar agreement as the Board may deem reasonable and proper for the security of the holders of such bond anticipation notes;

(c) approve the terms and conditions, including but not limited to the terms and conditions of any documents to be executed and delivered by the City (other than customary financing statements and closing certificates), under which the proceeds of such bond anticipation notes will be made available to the Borrower to finance the costs of the completion of the Project; and



(d) do any and all things necessary, proper or expedient in connection with the issuance, sale and delivery of such bond anticipation notes.

In accordance with the Bond Anticipation Note Enabling Legislation, the City hereby covenants to pay any bond anticipation notes issued pursuant to this Section of this Ordinance and the interest thereon from the proceeds of the Bonds in anticipation of the sale of which such notes are issued, and the City hereby further covenants to issue such Bonds, as the case may be, when, and as soon as, the reason for deferring the issuance of the bonds no longer exists. The timely issuance of such Bonds, however, is dependent upon matters not within the control of the City, including (without limitation) the existence of a purchaser or purchasers for such Bonds at the time the reason for deferring the issuance of the Bonds no longer exists and the effectiveness of various actions taken by the Borrower, its officers, agents and employees.

SEC. 10. *And be it further ordained*, That the provisions of this Ordinance are severable, and if any provision, sentence, clause, section or part hereof is held illegal, invalid or unconstitutional or inapplicable to any person or circumstances, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this Ordinance or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this Ordinance would have been passed if such illegal, invalid or unconstitutional provision, sentence, clause, section or part had not been included herein, and if the person or circumstances to which this Ordinance or any part hereof are inapplicable had been specifically exempted herefrom.

SEC. 11. *And be it further ordained*, That either the Bonds or bond anticipation notes issued pursuant to Section 9 of this Ordinance in anticipation of the issuance of the Bonds must be issued and sold within six months from the date on which this Ordinance is approved by the Mayor of the City; provided, however, that the Board, after a showing of good cause at a public hearing held before the

Board prior to or after the expiration of such six month period, may extend the period during which either the Bonds or such bond anticipation notes may be issued and sold for one additional term not to exceed six months from the date on which the first six month period expired. The Board, in its sole discretion, and without action by the City Council, shall determine the sufficiency, or lack thereof, of the reasons presented for any requested extension of the six month period. If an extension is granted, notice of such extension and the reasons therefor must be sent to the City Council. To the extent that neither the Bonds nor such bond anticipation notes are issued and sold within twelve months from the date on which this Ordinance is approved by the Mayor of the City, the authority provided in this Ordinance for the City to issue and sell the Bonds and such bond anticipation notes shall expire.

SEC. 12. *And be it further ordained*, That this Ordinance shall take effect from the date of its passage.

Approved June 11, 1981.

WILLIAM DONALD SCHAEFER, *Mayor*.

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No. 333

(Council No. 660)

AN ORDINANCE concerning

MIDFA LOAN TO MAYOR AND CITY COUNCIL  
OF BALTIMORE FOR THE BENEFIT OF  
HARRY ZECHMAN, KENNETH ZECHMAN,  
H. & K. EQUIPMENT CO., INC., AND THE  
BLUE DIAMOND COMPANY

FOR the purpose of authorizing and empowering Mayor and City Council of Baltimore, pursuant to and in accordance with the Maryland Industrial Development Financing Authority Act, to borrow, as a limited obligation and not upon the faith and credit of Mayor and City Council of Baltimore, a sum of money not to exceed

\$2,343,000, and to lend (1) \$1,200,000 of the proceeds of such borrowing to Harry Zechman and Kenneth Zechman, and (2) the remaining \$1,143,000 of the proceeds of such borrowing to H. & K. Equipment Co., Inc., a Maryland corporation, to be used for the purpose of paying a portion of the costs of acquiring a certain industrial project (within the meaning of such Act) for use by The Blue Diamond Company, a Maryland corporation, in its business of warehousing and shipping various products, such project to consist of (a) the acquisition of two tracts of land containing approximately 10.188 acres, and the improvements thereon, located at 6201 and 6301 Pulaski Highway in Baltimore City, (b) the rehabilitation of the warehouse, offices and other buildings already located on such land, and (c) the purchase and installation of certain necessary or useful machinery and equipment in connection therewith (\$1,200,000 of such proceeds to be used by Harry Zechman and Kenneth Zechman to finance the costs of subsections (a) and (b) above, and \$1,143,000 of such proceeds to be used by H. & K. Equipment Co., Inc. to finance the costs of subsection (c) above); authorizing and empowering the Mayor and other appropriate officials of the City (1) to accept, on behalf of the City, the letter of intent of Harry Zechman, Kenneth Zechman, and H. & K. Equipment Co., Inc., dated April 3, 1981, as amended by letter dated May 5, 1981, and (2) to execute any and all documents necessary to effectuate and to secure payment of the aforesaid borrowing, lending, and acquisition; conferring and imposing upon the Department of Housing and Community Development certain powers and duties and providing that the applicants shall agree to submit certain plans and specifications to, and coordinate with, the Department of Housing and Community Development in connection with the acquisition of such industrial project; providing that such borrowing must be consummated within six months from the date this Ordinance is approved by the Mayor, unless an extension of such authorization is granted, as provided in this Ordinance; making certain legislative findings; providing that the faith and credit of Mayor and City Council of Baltimore shall not be deemed to be pledged



hereby; and generally providing for and determining various matters and details in connection with such borrowing, relending, and acquisition.

BY authority of

MIDFA Act—Title 13, Sections 13-101 through 13-155, inclusive, of the Financial Institutions Article of the Annotated Code of Maryland (1980 Volume and 1980 Supplement), as amended.

### RECITALS

WHEREAS, Ordinance No. 1022, approved November 24, 1975, was enacted transferring all the duties and responsibilities of Baltimore City Economic Development Commission to the Department of Housing and Community Development, thereby vesting in such Department certain powers and duties to be exercised in connection with aiding the industrial growth of Baltimore City; and

WHEREAS, pursuant to Title 13, Sections 13-101 through 13-155, inclusive, of the Financial Institutions Article of the Annotated Code of Maryland (1980 Volume and 1980 Supplement), as amended (the "MIDFA Act"), Mayor and City Council of Baltimore (the "City"), a "public body" as defined in Section 13-101(o) of the MIDFA Act, has received a letter of intent dated April 3, 1981, as amended by the letter dated May 5, 1981 (collectively, the "Letter of Intent"), from Harry Zechman and Kenneth Zechman (the "Zechmans") and H. & K. Equipment Co., Inc., a Maryland corporation ("H. & K.") (the Zechmans and H. & K. being herein sometimes collectively called the "Borrower"), all "industrial project applicants" as mentioned in Section 13-141(c)(2) of the MIDFA Act, requesting the City to participate in the financing of the acquisition by the Borrower of a certain industrial project (the "Industrial Project") to be located in Baltimore City, Maryland, and being more particularly described herein, by borrowing from a commercial bank or other lender which is a "mortgagee" within the meaning of the MIDFA Act (the "Lender") a sum of money not to exceed \$2,343,000 (the "Loan"); and

WHEREAS, Section 13-140 of the MIDFA Act authorizes, among other things, a public body of the State of Maryland (the "State"), to borrow money without pledging its faith and credit in support of a loan made under the MIDFA Act and to execute a mortgage to secure the mortgage loan, for the purpose of defraying the cost of acquiring any industrial project approved by the Maryland Industrial Development Financing Authority ("MIDFA"); and

WHEREAS, Section 13-141 of the MIDFA Act provides that the funds to be borrowed by the public body shall be utilized in connection with a "bona fide industrial project" as evidenced by a letter of intent or similar agreement between the prospective industrial project applicant and the public body borrowing the money; and

WHEREAS, Section 13-140 of the MIDFA Act provides that the public body of the State may borrow money to relend to an industrial project applicant under Section 13-151, and Section 13-151 of the MIDFA Act provides that, at its option, the industrial project applicant may be the mortgagor instead of the public body and give a mortgage to the mortgagee (as defined in the MIDFA Act) directly or to the public body to be assigned to the mortgagee; and

WHEREAS, at its March 26, 1981 meeting, MIDFA approved a mortgage loan for the Industrial Project, but MIDFA will not insure the "mortgage payments" (as defined in the MIDFA Act), as permitted by the MIDFA Act; and

WHEREAS, the City has determined, based upon the findings and determinations hereinafter set forth, that it is in the best interests of the citizens of Baltimore City that the City accept the Letter of Intent and participate in the financing of the Industrial Project.

NOW, THEREFORE, PURSUANT TO AND IN ACCORDANCE WITH THE PROVISIONS OF THE MIDFA ACT:

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That it is hereby found and determined as follows:

(a) the financing of the acquisition of the Industrial Project will fulfill and accomplish the declared purposes of the MIDFA Act, which are to further industrial expansion in the State and discourage the relocation of industry outside the State, to increase employment, and to provide a larger taxable base for the economy of the State, resulting in new and expanded industrial enterprises to provide enlarged opportunities for gainful employment by the people of the State, and thus to insure the preservation and betterment of the economy of the State; and, accordingly, it is in the best interests of the citizens of Baltimore City that the City participate in the financing of the acquisition of the Industrial Project;

(b) the Industrial Project is an "industrial project," as defined in Section 13-101(g) of the MIDFA Act, and, as evidenced by the Letter of Intent, the funds to be borrowed by the City (to finance the acquisition (within the meaning of the Act) of the Industrial Project) will be utilized in connection with the acquisition (within the meaning of the MIDFA Act) of a "bona fide industrial project," as mentioned in Section 13-141(c)(2) of the MIDFA Act, for the use and benefit of the Borrower, a "prospective industrial project applicant," as mentioned in Section 13-141(c)(2) of the MIDFA Act; and

(c) MIDFA, at its March 26, 1981 meeting, approved a mortgage loan for the Industrial Project, but, although permitted by the MIDFA Act, MIDFA will not insure the "mortgage payments" (as defined in the MIDFA Act) to be made with respect to the mortgage loan; and

(d) the Borrower has exercised its option pursuant to Section 13-151 of the MIDFA Act to be a mortgagor (as defined in 13-101(1) of the MIDFA Act), and accordingly this Ordinance contemplates and authorizes a transaction in the form of a loan or loans to the Borrower of the proceeds of the Loan.

SEC. 2. *And be it further ordained*, That the City is hereby fully authorized and empowered to borrow from the Lender a sum of money not to exceed \$2,343,000 (the "Loan"), consisting of (a) a sum of money not to exceed \$1,200,000 (the "Real Estate Portion") for a term not to



exceed twenty (20) years, and (b) a sum of money not to exceed \$1,143,000 (the "Equipment Portion") for a term not to exceed ten (10) years. The Loan shall bear interest at the following rates: (a) for the first twelve months after closing, the Loan will bear interest at a fluctuating rate of interest not to exceed the rate which is at all times equal to seventy per cent (70%) of the Prime Rate (hereinafter defined) *plus*  $\frac{1}{2}\%$  per annum; and (b) beginning on the first day of the thirteenth month after closing, the rate shall be decreased to a fluctuating rate of interest not to exceed the rate which is at all times equal to 70% of the Prime Rate from time to time (the foregoing rates of interest being herein sometimes collectively called the "Tax-Exempt Rate"); provided, however, that (1) in the event it is at any time determined that the interest on the Loan is for any reason not exempt from federal income taxes, the rate of interest payable on the Loan shall be increased, retroactively and prospectively, to the fluctuating rate of interest not to exceed a rate equal to the Prime Rate *plus* one per cent (1%) per annum (the "Taxable Rate"), and (2) if at any time the Bank ceases to be the principal depository bank for either H. & K. or the Lessee (hereinafter defined), (A) the Tax-Exempt Rate shall be increased to a fluctuating rate of interest not to exceed the rate which is at all times equal to the Prime Rate *plus* 3% per annum, and (B) the Taxable Rate shall be increased to a fluctuating rate of interest not to exceed a rate which is at all times equal to the Prime Rate *plus* 5% per annum. For purposes of determining the interest rate on the Loan, (a) the term "Prime Rate" shall mean the commercial prime rate of interest in effect at the Lender from time to time; (b) the interest rate payable on the Loan may be subject to adjustment or modification under certain circumstances and upon the terms and conditions set forth in the Loan Documents (hereinafter defined); and (c) interest shall be calculated on the basis of a 360-day year factor applied to actual days elapsed.

SEC. 3. *And be it further ordained*, That the City will cause the proceeds of the Loan to be used for the purpose of paying a portion of the costs of acquiring the Industrial Project, which Industrial Project will consist

of (a) the acquisition of two tracts of land containing approximately 10.188 acres and the improvements thereon, located at 6201 and 6301 Pulaski Highway, in Baltimore City (the "Land"), (b) the rehabilitation of the warehouse, offices and other buildings already located on the Land, and (c) the purchase and installation of certain necessary or useful machinery and equipment in connection therewith. The proceeds of the Real Estate Portion will be used by the Zechmans to finance the costs of the portion of the Project described in subsections (a) and (b) of this Section, and the proceeds of the Equipment Portion will be used by H. & K. to finance the portion of the Project described in subsection (c) above. All portions of the Industrial Project will be leased to The Blue Diamond Company, a Maryland corporation (the "Lessee"), for use in its business of storing and warehousing various products.

SEC. 4. *And be it further ordained*, That the City will lend the proceeds of the Loan to the Borrower, which shall use the proceeds of the Loan for the sole purpose of paying a portion of the costs of acquiring the Industrial Project.

SEC. 5. *And be it further ordained*, That, as described generally in the Letter of Intent and as contemplated by the MIDFA Act:

(a) the Loan will be secured by a mortgage or deed of trust, or by an assignment of mortgage or deed of trust, covering the Industrial Project, but the City shall in no event pledge its faith and credit; and the Loan, and the interest thereon, will be repaid by the City solely from payments to be made by the Borrower to the City pursuant to the Loan Documents (hereinafter defined) and from any other sources approved by the City, agreed to by the Borrower and the Lender, and permitted by the MIDFA Act;

(b) the Borrower will make payments under the Loan Documents sufficient to pay (i) the principal of and interest on the Loan, (ii) all taxes and payments in lieu of taxes, and (iii) any expenses incurred by the City in connection with the administration of the Loan, all as the same become due and payable; and

(c) any costs of acquiring the Industrial Project in excess of the proceeds of the Loan will be paid by the Borrower.

SEC. 6. *And be it further ordained*, That the City will not incur any liability, direct or indirect, or any cost, direct or indirect, in connection with the aforesaid borrowing or lending or the acquisition of the Industrial Project, and the Industrial Project will be acquired so as to conform to the requirements of the Borrower and the Lessee; accordingly, the Borrower and the Lessee shall (a) select and work with the suppliers and contractors which will undertake the proposed renovations and will negotiate and approve all contracts, construction plans and specifications, and financing arrangements in connection with the acquisition of the Industrial Project, and (b) pay all necessary costs incurred by or on behalf of the City in connection with the aforesaid financing including the administration thereof, and in connection with the acquisition of the Industrial Project, including (without limitation) all costs incurred in connection with the development of the appropriate legal documents necessary to effectuate the proposed financing and acquisition, including (without limitation) the fees of legal counsel and compensation to any other person performing services by or on behalf of the City in connection with the transactions contemplated by this Ordinance, whether or not the proposed financing and acquisition are consummated.

SEC. 7. *And be it further ordained*, That in connection with the borrowing and the acquisition described in this Ordinance, the Mayor and other appropriate officials of the City of Baltimore are hereby authorized and empowered to:

(a) accept the Letter of Intent in order to, among other things, materially induce the Borrower to pursue the transactions described therein and to further evidence the present intent of the City to participate in the financing of the acquisition of the Industrial Project; and

(b) execute and accept such other documents, instruments and certificates as are necessary or appropriate to evidence and secure the obligations of the Borrower to



make payments to the City sufficient to pay the principal of and interest on the Real Estate Portion and on the Equipment Portion, respectively, and to consummate the Loan and the acquisition of the Industrial Project, including, but not limited to, any and all leases, loan agreements, financing agreements, mortgages, deeds of trust, notes, assignments, security agreements, consolidation agreements, and any and all necessary financing statements, the form and substance of all of which (other than financing statements and other customary closing certificates and documents) shall be approved by the Board of Estimates of the City (the "Board of Estimates") as hereinafter provided. All of such documents, instruments and certificates are herein sometimes collectively referred to as the "Loan Documents".

SEC. 8. *And be it further ordained*, That, notwithstanding anything contained in this Ordinance or in any document authorized herein to be executed, or the execution and delivery of any document authorized herein, neither the faith and credit nor the taxing power of the City shall be deemed to be pledged hereby, and the City shall at no time be required to exercise its taxing power in order to implement the transactions authorized hereby. Nothing contained in this Ordinance shall be deemed or construed in any way to create or constitute a debt of the City within the meaning of any constitutional, statutory or other debt limitation provision, or to constitute any act or purpose other than that contemplated by the MIDFA Act. Neither the Loan to be made to the City by the Lender nor the interest thereon shall ever constitute an indebtedness or a charge against the general credit or taxing powers of the City, within the meaning of any constitutional or charter provision or statutory limitation, and neither shall ever constitute or give rise to any pecuniary liability of the City.

SEC. 9. *And be it further ordained*, That the terms and provisions and form and substance of any and all documents and instruments to be executed or entered into by the City in connection with the transactions authorized by this Ordinance, other than customary closing certificates and documents and financing statements, shall be

approved by the Board of Estimates prior to the execution and delivery thereof by the Mayor of the City.

SEC. 10. *And be it further ordained*, That any and all necessary financing statements required for the consummation of the transactions authorized by this Ordinance may be executed on behalf of the City by the Mayor of the City or by the Chief, or Acting Chief, Bureau of Treasury Management of the City or by such other appropriate official of the City as may be designated by the Mayor of the City to execute such financing statements.

SEC. 11. *And be it further ordained*, That the Department of Housing and Community Development is hereby fully authorized and empowered, for the purpose of this Ordinance only:

(a) To promote, make investigations, conduct preliminary negotiations, and do any and all other things necessary and proper to expedite the consummation of the transactions authorized by this Ordinance, all pursuant and subject to the provisions of the Charter of Baltimore City; and

(b) After the transactions authorized by this Ordinance have been fully consummated, the Department of Housing and Community Development shall do any and all other things necessary, proper or expedient to assure the full performance by the Borrower of any and all of the terms and provisions in any and all agreements entered into between the City and the Borrower (and any of them), all of which shall be subject to the provisions of the Charter of Baltimore City.

SEC. 12. *And be it further ordained*, That the Borrower shall agree, in the Loan Documents, that:

(a) it will submit any plans and specifications for the construction of the Building to the Department of Housing and Community Development for approval;

(b) it understands that, in addition to the economic feasibility of the acquisition of the Industrial Project, the Department of Housing and Community Development may consider, without limitation, the suitability of the site

plan, architectural treatment, building plans, elevations, materials, color, construction details, access, parking, loading, landscaping, identification signs, exterior lighting, refuse collection details, streets, sidewalks, and harmony between the plans and the surroundings of the proposed Industrial Project; and that the Department of Housing and Community Development may refuse approval of any plans and specifications for aesthetic or functional reasons; and

(c) it and its developers will work with the design advisory group appointed by the Department of Housing and Community Development in order to achieve high quality site, building, and landscape design.

SEC. 13. *And be it further ordained*, That the provisions of this Ordinance are severable, and if any provision, sentence, clause, section or part hereof is held illegal, invalid or unconstitutional or inapplicable to any person or circumstances, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this Ordinance or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this Ordinance would have been passed if such illegal, invalid or unconstitutional provision, sentence, clause, section or part had not been included herein, and if the person or circumstances to which this Ordinance or any part hereof are inapplicable had been specifically exempted herefrom.

SEC. 14. *And be it further ordained*, That the borrowing authorized by this Ordinance must be consummated within six months from the date on which this Ordinance is approved by the Mayor of the City; provided, however, that the Board of Estimates, after a showing of good cause at a public hearing held before the Board of Estimates prior to or after the expiration of such six month period, may extend the period during which the borrowing may be consummated for one additional term not to exceed six months from the date on which the first six month period expired. The Board of Estimates, in its sole discretion and without action by the City Council, shall determine the sufficiency, or lack thereof, of the reasons



presented for any requested extension of the six month period. If an extension is granted, notice of such extension and the reasons therefor must be sent to the City Council. To the extent that the borrowing is not consummated within twelve months from the date on which this Ordinance is approved by the Mayor of the City, the authority provided in this Ordinance for the City to borrow the Loan shall expire.

SEC. 15. *And be it further ordained*, That this Ordinance is passed as official action by the City for the purpose of, among other things, materially inducing the Borrower to pursue the transaction described in the Letter of Intent, and the Letter of Intent is to be accepted as further evidence of such official action.

SEC. 16. *And be it further ordained*, That this Ordinance shall take effect from the date of its passage.

Approved June 11, 1981.

WILLIAM DONALD SCHAEFER, *Mayor*.

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No. 334

(Council No. 661)

AN ORDINANCE concerning

INDUSTRIAL DEVELOPMENT REVENUE BONDS—  
GREENWAY BOWL EAST, INC.

FOR the purpose of authorizing and empowering Mayor and City Council of Baltimore to issue, sell and deliver, at any time or from time to time and in one or more series, as limited obligations of the City and not upon its full faith and credit, its industrial development revenue bonds, to be designated "Baltimore City, Maryland Industrial Development Revenue Bonds (Greenway Bowl East, Inc. Project)", in the aggregate principal amount not to exceed \$765,000, pursuant to the provisions of Sub-section (50) of Article II of the Charter of Balti-

more City (1964 Revision), as amended, for the sole and exclusive purpose of financing the costs, charges, fees and expenses in connection with the acquisition of certain real property known as 6700 Moravia Park Drive, Baltimore, Maryland, in Baltimore City by Greenway Bowl East, Inc., a Maryland corporation, in the business of a bowling and entertainment facility; authorizing the Mayor of the City to accept, on behalf of the City, the letter of intent of Greenway Bowl East, Inc. to the City dated April 23, 1981; making certain legislative findings; authorizing and empowering the Board of Finance of the City, prior to the issuance, sale and delivery of such bonds, to adopt a resolution pursuant to which the Board of Finance shall (a) prescribe, among other things but not limited to, the form, terms, provisions, manner or method of issuing and selling, and the time or times of issuance, and any and all other details of such bonds, and (b) do any and all things necessary, proper or expedient in connection with the issuance and sale of such bonds; authorizing the private (negotiated) sale of such bonds; providing that Greenway Bowl East, Inc. shall agree to submit any plans and specifications to, and to coordinate with, the Department of Housing and Community Development in connection with the acquisition of such real property; and generally providing for and determining various matters and details in connection with the authorization, issuance, security, sale and payment of such bonds.

### RECITALS

Sub-section (50) of Article II of the Charter of Baltimore City (1964 Revision), as amended (the "Enabling Law"), empowers Mayor and City Council of Baltimore (the "City") to issue revenue bonds and to use the proceeds of the sale of such revenue bonds to finance undertakings for the accomplishment of any of the purposes, objects and powers of the City. Some of the general objectives of the City, contemplated by the Enabling Law, include the relief of conditions of unemployment in Baltimore City, encouraging the increase of industry and a balanced economy in Baltimore City, promoting economic development in Baltimore City, and promoting

the health, welfare and safety of the residents of Baltimore City.

The City has received a letter of intent dated April 23, 1981 (the "Letter of Intent") from Greenway Bowl East, Inc., a Maryland corporation (the "Borrower"), pursuant to which the Borrower has requested the City to participate in the financing of the costs, charges, fees and expenses in connection with the acquisition by the Borrower of certain real property located in Baltimore City (the "Project"), by the issuance and sale by the City of its industrial development revenue bonds in the aggregate principal amount not to exceed \$765,000 and by loaning the proceeds of the revenue bonds to the Borrower, upon the terms and conditions of a loan agreement to be entered into between the City and the Borrower (the "Loan Agreement"), as permitted by the Enabling Law (such loan being herein referred to as the "Loan").

The Project will consist generally of the acquisition by the Borrower, in its business of a bowling and entertainment facility, of certain real property containing approximately 2.2956 acres and the building thereon, located at 6700 Moravia Park Drive in Baltimore City.

The Loan Agreement will require the Borrower (a) to use the proceeds of the revenue bonds solely to finance the completion of the Project, and (b) to make Loan payments which will be sufficient to enable the City to pay the principal of and interest and premium, if any, on the revenue bonds when and as the same shall become due and payable.

As security for the revenue bonds, the City will enter into either (a) a trust agreement (the "Trust Agreement") with a corporate trustee (the "Trustee") to be appointed by the Board of Finance of the City (the "Board") or (b) an Assignment and Security Agreement (the "Assignment") with the original purchaser of the Bonds (the "Original Purchaser"), ~~and a trustee (which may be the Original Purchaser) (the "Project Fund Trustee")~~. Pursuant to the Trust Agreement or the Assignment, the City will assign to the Trustee or, if the Assignment is entered into, the Original Purchaser,



its successors and assigns, (among other things) (a) all of the City's right, title and interest in and to and remedies under the Loan Agreement, including (without limitation) any and all security referred to therein, excepting only the right of the City to indemnification by the Borrower and to payments to the City for expenses incurred by the City itself, (b) the receipts and revenues of the City from the Loan, (c) certain moneys which are at any time or from time to time on deposit with the Trustee or the Project Fund Trustee, (d) all right, title and interest in and to and remedies with respect to any and all other property of every description and nature from time to time by delivery or by writing of any kind conveyed, pledged, assigned or transferred, as and for additional security for the revenue bonds, by the City or by anyone on its behalf or with its written consent, to the Trustee, or, if the Assignment is entered into, the Original Purchaser, its successors or assigns, and (e) all of the City's right, title and interest in and to and remedies under such other documents, including (without limitation) mortgages, deeds of trust, guaranties and security instruments, as the Board shall deem necessary to effectuate the issuance, sale and delivery of the revenue bonds and which the Board shall approve by a resolution or resolutions (the "Resolution") to be adopted by the Board prior to the issuance, sale and delivery of any of the Bonds.

The Bonds will be sold at a private (negotiated) sale.

NOW, THEREFORE, IN ACCORDANCE WITH THE ENABLING LAW:

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That acting pursuant to the Enabling Law, it is hereby found and determined as follows:

(1) The issuance and sale of the revenue bonds by the City pursuant to the Enabling Law in order to lend the proceeds thereof to the Borrower for the sole and exclusive purpose of financing the costs of the Project will facilitate and expedite the completion of the Project by the Borrower.

(2) The completion of the Project by the Borrower and the financing thereof as provided in this Ordinance will serve to promote the general purposes contemplated by the Enabling Law by (a) sustaining jobs and employment in Baltimore City; (b) promoting economic development in Baltimore City; and (c) encouraging the increase of industry and a balanced economy in Baltimore City.

(3) Neither the revenue bonds nor the interest thereon shall ever constitute a pledge of or involve the faith and credit or the taxing power of the City, and neither shall constitute a debt of the City within the meaning of Section 7 of Article XI of the Constitution of Maryland or any other constitutional, statutory or charter provision limiting or restricting the sale or issuance of bonds, notes or other obligations of the City, and neither shall ever constitute or give rise to any pecuniary liability of the City. The revenue bonds and the interest thereon shall be limited obligations of the City, repayable by the City solely from the revenue derived from Loan repayments (both principal and interest) made to the City by the Borrower on account of the Loan and from any other moneys made available to the City for such purpose. The proceeds of the revenue bonds will be paid directly to the ~~Trustee or the Project Fund Trustee to be held and disbursed by the Trustee as provided in the Trust Agreement or by the Project Fund Trustee as provided in the Assignment to be approved by the Board in the Resolution~~ BORROWER. Payments of the principal of and premium (if any) and interest on the Loan will be paid by the Borrower directly to the Trustee as provided in the Trust Agreement or to the Original Purchaser, its successors and assigns, as provided in the Assignment, to be approved by the Board in the Resolution. No such moneys will be commingled with the City's funds or will be subject to the absolute control of the City, but will be subject only to such limited supervision and checks as are deemed necessary or desirable by the City to insure that the proceeds of the revenue bonds are used to accomplish the public purposes of the Enabling Law and this Ordinance. The loan form of transaction authorized hereunder shall in no event constitute a capital project within the meaning of any charter or statutory provision. The public purposes expressed in the

Enabling Law are to be achieved by facilitating the completion of the Project by the Borrower.

(4) The City will acquire no interest in the Project other than (a) any general interest in the Borrower's property shared by all holders of the Borrower's obligations which rank and are secured equally with the Borrower's obligations pursuant to the Loan Agreement, (b) any lien and security interest created by the Loan Agreement, and (c) any interest created by any other mortgage or deed of trust or other security instrument executed and delivered by the Borrower or any third party as security for the Loan or the revenue bonds as the Board may provide for an approve in the Resolution. The security for the revenue bonds shall be solely and exclusively (a) the absolute, irrevocable and unconditional obligations of the Borrower to make the payments required by the Loan Agreement, (b) moneys realized from the liquidation of any lien and security interest created by the Loan Agreement and of any other lien or security interest created with respect to any property as security for the Loan or the revenue bonds as the Board may provide for and approve in the Resolution, and (c) moneys realized from any guaranty of the revenue bonds or of the Loan as the Board may provide for and approve in the Resolution.

(5) The best interests of the City will be served by selling the revenue bonds at private (negotiated) sale, as authorized by the Enabling Law, upon terms and conditions approved by the Board in the Resolution.

SEC. 2. *And be it further ordained*, That the City is hereby authorized and empowered to issue, sell and deliver, at any time or from time to time and in one or more series, and as limited obligations of the City and not upon its full faith and credit, its Baltimore City, Maryland Industrial Development Revenue Bonds (Greenway Bowl East, Inc. Project), in the aggregate principal amount not to exceed \$765,000 (the "Bonds"), subject to the provisions of this Ordinance. The proceeds of the Bonds will be loaned to the Borrower pursuant to the terms and provisions of the Loan Agreement, to be used by the Borrower for the sole and exclusive purpose of financing the costs, charges, fees, and expenses in connection with the completion of



the Project. The Bonds and the interest thereon shall be limited obligations of the City, repayable by the City solely from the revenue derived from Loan repayments (both principal and interest) made to the City by the Borrower pursuant to the Loan Agreement and from any other moneys made available to the City for such purpose. The security for the Bonds shall be solely and exclusively as provided in Section 1 of this Ordinance.

SEC. 3. *And be it further ordained*, That this Ordinance constitutes the commitment of the City to issue the Bonds, and the Mayor of the City is hereby authorized to accept the Letter of Intent on behalf of the City in order to further evidence the commitment of the City to issue the Bonds in accordance with the terms and provisions of this Ordinance.

SEC. 4. *And be it further ordained*, That each of the Bonds shall bear the descriptive title "Baltimore City, Maryland Industrial Development Revenue Bond (Greenway Bowl East, Inc. Project)", provided that the descriptive title may contain such other descriptive information as the Board may prescribe in the Resolution (e.g., "1981 Series"). The Bonds shall bear interest at the rate or rates of interest to be determined by negotiation with the original purchaser or purchasers of the Bonds and to be approved and prescribed by the Board in the Resolution.

SEC. 5. *And be it further ordained*, That the definitive Bonds, which may be engraved, printed or typewritten, including any Trustee's Certificate of Authentication to be endorsed thereon, if the Trust Agreement is entered into, shall be in such form, not inconsistent with the Enabling Law and the provisions of this Ordinance, as the Board may approve in the Resolution.

SEC. 6. *And be it further ordained*, That the Bonds shall be executed in the name of the City and on its behalf by the Mayor of the City, by his manual or facsimile signature, and by the Director of Finance of the City, by his manual or facsimile signature, and the corporate seal of the City or a facsimile thereof shall be impressed or other-

wise reproduced thereon and attested by the Custodian of the City Seal, by his manual signature. The Loan Agreement, the Trust Agreement or the Assignment and, where applicable, all other documents as the Board shall deem necessary to effectuate the issuance, sale and delivery of the Bonds, shall be executed in the name of the City and on its behalf by the Mayor of the City by his manual or facsimile signature, and the corporate seal of the City or a facsimile thereof shall be impressed or otherwise reproduced thereon and attested by the Custodian of the City Seal by his manual signature. In case any officer whose signature or a facsimile of whose signature shall appear on the Bonds or any of the aforesaid documents shall cease to be such officer before the delivery of the Bonds or any of the other aforesaid documents, such signature or such facsimile shall nevertheless be valid and sufficient for all purposes, the same as if such officer has remained in office until delivery. The Mayor of the City, the Director of Finance of the City, the Custodian of the City Seal and other officials of the City are hereby authorized and empowered to do all such acts and things and execute such documents and certificates as the Board may determine in the Resolution to be necessary to carry out and comply with the provisions hereof.

SEC. 7. *And be it further ordained*, That the Bonds shall be executed, issued and delivered at any time or from time to time and in one or more series and in such amount or amounts not exceeding, in the aggregate, the principal amount of \$765,000, as the Board shall prescribe in the Resolution.

SEC. 8. *And be it further ordained*, That the Bonds shall be dated, shall be in such denominations, shall be of such form and tenor, and shall be payable in such amounts, at such times and at such place or places as the Board shall prescribe in the Resolution.

SEC. 9. *And be it further ordained*, That the Bonds may be subject to redemption prior to their stated maturities upon such terms and conditions as the Board shall prescribe in the Resolution.

SEC. 10. *And be it further ordained*, That prior to the issuance, sale and delivery of the Bonds, the Board shall adopt the Resolution pursuant to which the Board shall:

(a) prescribe the form, tenor, terms and conditions of and security for the Bonds;

(b) prescribe the actual amounts, rate or rates of interest (or the method of determining the same), denominations, date, actual maturity or maturities, and the place or places of payment of the Bonds, and the terms and conditions and details under which the Bonds may be called for redemption prior to their stated maturities;

(c) if a Trust Agreement is entered into, appoint a bank having trust powers, or a trust company, as Trustee for the Bonds and, if necessary, appoint a paying agent or agents for the Bonds, which may be the Trustee;

(d) approve the form and contents, and authorize the execution and delivery (where applicable) of (i) the Loan Agreement, (ii) the Trust Agreement or the Assignment, and (iii) such other documents, including (without limitation) mortgages, deeds of trust, guaranties and security instruments as the Board shall deem necessary to approve in order to effectuate the issuance, sale and delivery of the Bonds;

(e) determine the time of execution, issuance, sale and delivery of the Bonds and prescribe any and all other details of the Bonds;

(f) provide for the direct payment by the Borrower of all costs, fees and expenses incurred by or on behalf of the City in connection with the issuance, sale and delivery of the Bonds, including (without limitation) costs of printing (if any) and issuing the Bonds, legal expenses and compensation to any person (other than full time employees of the City) performing services by or on behalf of the City in connection therewith;

(g) if the Trust Agreement is entered into, provide for the issuance and sale (subject to the passage of an appropriate ordinance authorizing the same as may be required at the time) of one or more series of additional bonds and one or more series of refunding bonds; and



(h) do any and all things, and authorize the officials of the City to do any and all things, necessary, proper or expedient in connection with the issuance, sale and delivery of the Bonds.

SEC. 11. *And be it further ordained*, That the Loan Agreement and the Trust Agreement or the Assignment shall contain such terms, provisions and conditions, not inconsistent with the Enabling Law and the provisions of this Ordinance, as the Board shall approve in the Resolution.

SEC. 12. *And be it further ordained*, That, as authorized by the Enabling Law, the Bonds shall be sold at private (negotiated) sale upon such terms and conditions as shall be approved by the Board in the Resolution.

SEC. 13. *And be it further ordained*, That neither the Bonds nor the interest thereon shall ever constitute a pledge of or involve the faith and credit or the taxing power of the City, and neither shall constitute a debt of the City within the meaning of Section 7 of Article XI of the Constitution of Maryland or any other constitutional, statutory or charter provision limiting or restricting the sale or issuance of bonds, notes or other obligations of the City, and neither shall ever constitute or give rise to any pecuniary liability of the City. The Bonds, and the interest thereon, shall be limited obligations of the City, the principal of and interest on which Bonds shall be payable by the City solely from the revenue derived from Loan repayments (both principal and interest) made to the City by the Borrower on account of the Loan and, to the extent provided by the Board in the Resolution, from the proceeds of the Bonds, and from any other moneys made available to the City for such purpose. The proceeds of the Bonds will be paid directly to the ~~Trustee or the Project Fund Trustee to be held and disbursed by the Trustee as provided in the Trust Agreement or by the Project Fund Trustee as provided in the Assignment to be approved by the Board in the Resolution~~ BORROWER. No such moneys will be commingled with the City's funds or will be subject to the absolute control of the City, but will be subject only to such limited supervision and checks as are deemed necessary or desirable by the City to insure

that the proceeds of the Bonds are used to accomplish the public purposes of the Enabling Law and this Ordinance.

SEC. 14. *And be it further ordained*, That in consideration of the purchase and acceptance of the Bonds by those who shall hold the Bonds from time to time, the City does hereby, and by the execution and delivery of the Trust Agreement or the Assignment to be approved by the Board shall, set aside and pledge the income and revenue under the Loan Agreement (other than payments to the City for indemnification or to reimburse the City for expenses incurred by the City itself) to the Trustee or, if the Assignment is entered into, the Original Purchaser, its successors and assigns, to be used and applied for the payment of the principal of and interest on the Bonds. Pursuant to the terms of the Loan Agreement to be approved by the Board in the Resolution, payments sufficient for the prompt payment when due of the principal of, premium, if any, and interest on the Bonds are to be paid by the Borrower to the Trustee for the benefit of the holders of the Bonds, or, if the Assignment is entered into, to the Original Purchaser, its successors and assigns, for the account of the City.

SEC. 15. *And be it further ordained*, That the provisions of this Ordinance are severable, and if any provision, sentence, clause, section or part hereof is held illegal, invalid or unconstitutional or inapplicable to any person or circumstances, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this Ordinance or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this Ordinance would have been passed if such illegal, invalid or unconstitutional provision, sentence, clause, section or part had not been included herein, and if the person or circumstances to which this Ordinance or any part hereof are inapplicable had been specifically exempted herefrom.

SEC. 16. *And be it further ordained*, That if the Bonds are not issued and sold within six months from the date on which this Ordinance is approved by the Mayor of the

City, the authorization provided in this Ordinance for the City to issue and sell the Bonds shall expire; provided, however, that the Board may, after a showing of good cause at a public hearing held before the Board, extend such authorization for one additional term not to exceed six months. The Board, in its sole discretion, shall determine the sufficiency or lack thereof, of the reasons presented for any requested extension of this Ordinance. If an extension is granted, notice of such extension and the reasons therefor must be sent to the City Council.

SEC. 17. *And be it further ordained*, That this Ordinance shall take effect from the date of its passage.

Approved June 11, 1981.

WILLIAM DONALD SCHAEFER, *Mayor*.

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No. 335

(Council No. 455)

AN ORDINANCE concerning

ZONING—APPROVAL FOR CONDITIONAL USE  
HOUSING FOR THE ELDERLY

FOR the purpose of granting permission for the establishment, maintenance and operation of housing for the elderly, CONTAINING MORE THAN 100 DWELLING UNITS AND EXCEEDING A HEIGHT OF 40 FEET, on the property located south of Fords Lane and west of Park Heights Avenue as outlined in red on the plats accompanying this ordinance.

BY authority of

Article 30—Zoning

Sections 4.0-2C, 4.5-1d and 11.0-6d

Baltimore City Code (1976 Edition, as amended)

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That permission is hereby granted for the establishment, maintenance and operation of housing for



the elderly , CONTAINING MORE THAN 100 DWELLING UNITS AND EXCEEDING A HEIGHT OF 40 FEET, on the property located south of Fords Lane and west of Park Heights Avenue, as outlined in red on the plats accompanying this ordinance, under the provisions of Sections 4.0-2C, 4.5-1d and 11.0-6d of Article 30 of the Baltimore City Code (1976 Edition, as amended) title "Zoning".

SEC. 2. *And be it further ordained*, That upon passage of this ordinance by the City Council, as evidence of the authenticity of the plat which is a part hereof and in order to give notice to the departments which are administering the Zoning Ordinance, the President of the City Council shall sign the plat and when the Mayor approves the ordinance, he shall sign the plat. The Director of Finance shall then transmit a copy of the ordinance and one of the plats to the following: the Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of the Department of Housing and Community Development and the Zoning Administrator.

SEC. 3. *And be it further ordained*, That this ordinance shall take effect from the date of its passage.

Approved June 12, 1981.

WILLIAM DONALD SCHAEFER, *Mayor*.

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No. 336

(Council No. 664)

AN ORDINANCE concerning

ISSUANCE OF INDUSTRIAL DEVELOPMENT  
REVENUE BONDS—P. FRED'K OBRECHT  
MANAGEMENT COMPANY

FOR the purpose of authorizing and empowering Mayor and City Council of Baltimore (the "City") to issue, sell and deliver at any time or from time to time its

industrial development revenue bonds, designated "Baltimore City, Maryland Industrial Development Revenue Bonds (P. Fred'k Obrecht Management Company Project)," in the aggregate principal amount not to exceed \$780,000 (the "Bonds"), pursuant to the provisions of Sections 266A to 266-I, inclusive, of Article 41 of the Annotated Code of Maryland (1978 Replacement Volume and 1980 Cumulative Supplement), as amended, in order to loan the proceeds thereof (the "Loan") to P. Fred'k Obrecht Management Company, a Maryland general partnership (the "Borrower"), for the sole and exclusive purpose of financing the acquisition by the Borrower of a certain industrial building in Baltimore City, portions of which shall be leased to one or more industrial or manufacturing tenants, as provided in this ordinance; authorizing the Mayor of the City to accept, on behalf of the City, the Borrower's letter of intent to the City dated April 13, 1981; making certain legislative findings, among others, concerning the public benefit and purpose of the bonds; providing that the bonds and the interest thereon shall be limited obligations of the City, repayable by the City solely from the revenue derived from loan repayments (both principal and interest) made to the City on account of the loan and from any other moneys made available to the City for such purpose, and that neither the bonds nor the interest thereon shall ever constitute an indebtedness or a charge against the general credit or taxing powers of the City within the meaning of any constitutional or charter provision or statutory limitation, and that neither shall ever constitute or give rise to any pecuniary liability of the City; authorizing the issuance of bond anticipation notes pursuant to Section 12 of Article 31 of the Annotated Code of Maryland (1978 Replacement Volume and 1980 Cumulative Supplement), as amended; authorizing the private (negotiated) sale of the bonds; prescribing the rate or rates of interest the bonds are to bear, the basic form, tenor, terms and conditions of, and security for, the bonds, and the terms and conditions under which the bonds may be called for redemption prior to their stated maturity or maturities; authorizing and empowering the Board of Finance of the City (the "Board"), prior to the issuance, sale and delivery of any of the

bonds, to adopt a resolution pursuant to which the board may (1) prescribe the rate or rates of interest the bonds are to bear, and the final form, tenor, terms and conditions of and security for the bonds, (2) prescribe the actual amounts, denominations, date, actual maturity or maturities (within the limits herein prescribed) and the place or places of payment of the bonds, and the final terms and conditions and details under which the bonds may be called for redemption prior to their stated maturity, (3) prescribe certain of terms and conditions of the bonds, before or after their issuance, sale and delivery, under the circumstances and in the manner set forth in the assignment (hereinafter defined), (4) approve the form and contents, and authorize the execution and delivery (where applicable), of (a) a loan and security agreement by and between the Borrower and the City, (b) an assignment and security agreement by and among the City, the original purchaser of the bonds (the "Original Purchaser") and one or more trustees (which may be the Original Purchaser) (the "Assignment"), (c) a guaranty agreement executed by the Borrower, (d) a personal guaranty agreement executed by all of the partners of the Borrower, (e) an assignment of leases from the Borrower to the City and the Original Purchaser, (f) a leasehold mortgage from the Borrower to the City and the Original Purchaser, and (g) such other documents, including (without limitation) mortgages, deeds of trust, assignments of leases, guaranties and security instruments, as the board shall deem necessary to effectuate the issuance, sale and delivery of the bonds, (5) determine the time or times of execution, issuance, sale and delivery of the bonds and prescribe any and all other details of the bonds, (6) provide for the direct payment by the Borrower of all costs, fees and expenses incurred by or on behalf of the City in connection with the issuance, sale and delivery of the bonds, and (7) do any and all things, and authorize the officials of the City to do any and all things, necessary, proper or expedient in connection with the issuance, sale and delivery of the bonds; requiring the Borrower to submit certain plans and specifications to the City; providing for the expiration of the authority provided therein, and for the extension of



such authority under certain conditions; and generally providing for and determining various matters and details in connection with the authorization, issuance, security, sale and payment of the bonds.

### RECITALS

Sections 266A to 266-I, inclusive, of Article 41 of the Annotated Code of Maryland (1978 Replacement Volume and 1980 Cumulative Supplement), as amended (the "Act"), empower all the counties and municipalities of the State of Maryland to issue revenue bonds and to loan the proceeds of the sale of such revenue bonds to an "industrial concern" (as mentioned in the Act) to finance the "acquisition" (as mentioned in the Act) by such industrial concern of any "industrial building" (as mentioned in the Act). The Act declares it to be the legislative purpose to relieve conditions of unemployment in the State of Maryland, to encourage the increase of industry and a balanced economy in the State of Maryland, to assist in the retention of existing industry in the State of Maryland through the control, reduction or abatement of pollution of the environment (where proceeds of the bonds are used for that purpose), to promote economic development, to protect natural resources and in this manner to promote the health, welfare and safety of the residents of each of the counties and municipalities of the State of Maryland.

Mayor and City Council of Baltimore (the "City") has received a letter of intent (as contemplated by Section 266B(d) of the Act) dated April 13, 1981 (the "Letter of Intent") from P. Fred'k Obrecht Management Company, a Maryland general partnership (in which Thomas F. Obrecht, George F. Obrecht and Paul F. Obrecht, Jr. are the sole partners) and an "industrial concern" as mentioned in Section 266A(h) of the Act (the "Borrower"), pursuant to which the Borrower has requested the City to participate in the financing of the acquisition by the Borrower of an industrial building (within the meaning of the Act) to be located in Baltimore City, Maryland (the "Industrial Building"), by the issuance and sale by the City of its Baltimore City, Maryland Industrial Development Revenue Bonds (P. Fred'k

Obrecht Management Company Project), in an aggregate principal amount not to exceed \$780,000 (the "Bonds"), and by loaning the proceeds of the Bonds to the Borrower upon the terms and conditions of a Loan and Security Agreement to be entered into between the City and the Borrower (the "Loan Agreement"), as permitted by the Act (such loan being herein referred to as the "Loan"). Following the acquisition of the Industrial Building, the Borrower intends to lease portions of the Industrial Building to one or more industrial or manufacturing tenants (hereinafter collectively referred to as the "Occupants").

The Industrial Building will consist generally of a one-story warehouse building with approximately 60,000 square feet of interior floor space, together with necessary and useful machinery and equipment, and such interests in land as may be necessary or desirable for the warehouse building, together with roads, other rights of access, utilities and other necessary facilities. The Industrial Building will be constructed on an approximately four-acre parcel of land owned by the City and located in Holabird Industrial Park (the "Land"). The Borrower will lease the Land from the City pursuant to a ground lease with a lease term of approximately 30 years, plus renewal periods (the "Ground Lease").

The Loan Agreement will require the Borrower (a) to use the proceeds of the Bonds solely to finance the acquisition of the Industrial Building, to pay the costs of preparing, issuing and delivering the Bonds and to pay other costs as permitted by the Act, and (b) to make Loan payments which will be sufficient to enable the City to pay the principal of, and interest and premium (if any) on, the Bonds when and as the same shall become due and payable.

As security for the Bonds, the City will enter into an Assignment and Security Agreement (the "Assignment") with the original purchaser of the Bonds (the "Original Purchaser") and one or more trustees (the "Trustee") to be appointed by the Board of Finance of the City (the "Board") by a resolution (the "Resolution") to be adopted by the Board prior to the issuance, sale and

delivery of the Bonds. Pursuant to the Assignment, the City will assign to the Original Purchaser, its successors and assigns (a) all of the City's right, title and interest in and to, and remedies under, the Loan Agreement, including (without limitation) any and all collateral referred to therein, excepting only the right of the City to indemnification by the Borrower and to payments to the City for expenses incurred by the City itself, (b) the City's right, title and interest in and to, and remedies under, a Leasehold Mortgage from the Borrower to the City and the Original Purchaser as security for the Loan (the "Leasehold Mortgage"), (c) the City's right, title and interest in and to, and remedies under, an Assignment of Leases from the Borrower to the City and the Original Purchaser as security for the Loan (the "Assignment of Leases"), (d) certain moneys which are at any time or from time to time on deposit with the Trustee, (e) all right, title and interest in and to, and remedies with respect to, any and all other property of every description and nature from time to time by delivery or by writing of any kind conveyed, pledged, assigned or transferred, as and for additional security for the Bonds or the Loan, and (f) all of the City's right, title and interest in and to, and remedies under, such other documents, including (without limitation) mortgages, deeds of trust, assignments of lease, guaranties and security instruments, as the Board shall deem necessary to effectuate the Loan and the issuance, sale and delivery of the Bonds and which the Board shall approve by the adoption of the Resolution.

NOW THEREFORE, IN ACCORDANCE WITH THE ACT:

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That acting pursuant to the Act, it is hereby found and determined as follows:

(a) The issuance and sale of the Bonds by the City pursuant to the Act in order to lend the proceeds thereof to the Borrower for the sole and exclusive purpose of financing the "acquisition" (within the meaning of the Act) by the Borrower of the Industrial Building to be



leased to the Occupants, to pay the costs of preparing, printing and selling the Bonds and to pay other costs permitted by the Act will facilitate and expedite the acquisition of the Industrial Building by the Borrower.

(b) The acquisition of the Industrial Building by the Borrower, the financing thereof and the leasing of portions of the Industrial Building to the Occupants as provided in this Ordinance will promote and contribute to the declared legislative purposes of the Act, as set forth in Section 266B(b) thereof, by: (a) sustaining jobs and employment, thus relieving conditions of unemployment in the State of Maryland and in Baltimore City; (b) encouraging the increase of industry and the creation of a balanced economy in the State of Maryland and in Baltimore City; (c) assisting in the retention of existing industry in the State of Maryland and in Baltimore City; (d) promoting economic development; and (e) thereby promoting the health, welfare and safety of the residents of the State of Maryland and Baltimore City.

(c) In addition to authorizing the City itself to acquire the Industrial Building and either to lease or to sell the same to the Borrower, the Act, as an alternative procedure, also authorizes the financing of the Industrial Building to be accomplished in the form of a loan by the City to the Borrower. The loan form of transaction avoids indirect costs and burdens on the City by not requiring any direct involvement by the City in the construction, ownership or administration of the Industrial Building, while permitting controls to be imposed on the use of the proceeds of the Bonds to insure that the public purposes of the Act and the Bonds are fully accomplished. It is, therefore, in the best interests of the citizens of the City to finance the acquisition of the Industrial Building through a loan to the Borrower, in order to permit the acquisition of the Industrial Building by the Borrower with the loan proceeds, and thereby facilitate the leasing of portions of the Industrial Building by the Borrower to the Occupants. This Ordinance contemplates and authorizes a transaction in the form of a loan of the proceeds of the Bonds by the City to the Borrower, rather than a transaction in the form of a lease or sale of the Industrial Building. Accordingly, this Ordinance, together with the Resolution, the

Assignment, the Leasehold Mortgage, the Assignment of Leases and the Loan Agreement authorized hereby, and the other documents referred to herein, contain, or shall contain, such provisions as the City deems appropriate to effect the financing of the acquisition by the Borrower of the Industrial Building through the loan form of transaction.

(d) Neither the Bonds nor the interest or redemption premium, if any, thereon shall ever constitute an indebtedness or general obligation of the City or a charge against, or pledge of the general credit or taxing powers of, the City within the meaning of any constitutional or charter provision or statutory limitation, or ever constitute or give rise to any pecuniary liability of the City. The Bonds and the interest and redemption premium, if any, thereon shall be limited obligations of the City, and shall be payable solely from (i) certain revenue derived from Loan repayments (both principal and interest) made to the City by the Borrower on account of the Loan, (ii) moneys derived from any collateral pledged under the Loan Agreement or under any assignment of lease, mortgage, deed of trust, guaranty or security agreement executed or delivered in connection with the Bonds or the Loan, and (iii) any other moneys made available to the City for such purpose. Accordingly, this Ordinance definitely fixes and determines the entire amount of the above-described receipts and revenues of the City from the Loan (except for certain rights of the City to indemnification and to payments in respect of its administrative expenses in connection with the Bonds and the Loan) to be the amount of revenue derived from payments with respect to the Loan which is necessary to be set apart and applied to the payment of principal of, and interest and redemption premium (if any) on, the Bonds. The proceeds of the Bonds will be deposited with the Trustee to be held and disbursed by the Trustee as provided in the Assignment to be approved by the Board in the Resolution. The payments to be made by the Borrower pursuant to the Loan Agreement will be paid directly to the registered holder(s) of the Bonds as provided in the Assignment to be approved by the Board in the Resolution. No such moneys will be commingled with the City's funds or be subject to the absolute control of

the City, but will be subject only to such limited supervision and checks as are deemed necessary or desirable by the City to insure that the proceeds of the Bonds are used to accomplish the public purposes of the Act and this Ordinance. The transactions authorized hereby do not constitute any physical public betterment or improvement, nor the acquisition of property for public use, nor the purchase of equipment for public use. The public purposes expressed in the Act are to be achieved by facilitating the acquisition of the Industrial Building by the Borrower.

(e) Except for its rights as lessor under the Ground Lease and as owner of the Land, the City will neither possess nor acquire any interest in the Industrial Building other than (i) a general interest in the Borrower's property shared by all holders of the Borrower's obligations which rank and are secured equally with the Borrower's obligations pursuant to the Loan Agreement and other obligations incurred pursuant to this Ordinance, (ii) the liens and security interests created by the Leasehold Mortgage, the Assignment of Leases and the Loan Agreement, and (iii) interests created by any other mortgage, deed of trust, assignment of lease or other security instrument executed and delivered by the Borrower or any third party as security for the Loan as the Board may provide for and approve in the Resolution. The security for the Bonds shall be solely and exclusively (A) the absolute, irrevocable and unconditional obligations of the Borrower to make the payments required by the Loan Agreement, (B) moneys realized from the liquidation of the liens and security interests created by the Leasehold Mortgage, the Assignment of Leases and the Loan Agreement and of any other lien or security interest created with respect to any property as security for the Loan or the Bonds as the Board may provide for and approve in the Resolution, (C) moneys realized from any guaranty of the Bonds or of the Loan as the Board may provide for and approve in the Resolution, and (D) any other property made available for such purpose.

(f) No part or proportion of the receipts and revenues of the City from the Loan shall be set aside as a depreciation account or as operating or maintenance funds (as those terms are mentioned in Section 266G(a) of the



Act), since the Borrower will enter into a covenant as contemplated under Section 266G(c) of the Act properly to operate and maintain (or cause to be properly operated and maintained) the Industrial Building, including a specific understanding to make (or cause to be made) all equipment replacements and repairs necessary to insure that the security for the Bonds shall not be impaired.

(g) The best interests of the City will be served by selling the Bonds at private (negotiated) sale, as authorized by the Act, upon terms and conditions approved by the Board in the Resolution.

(h) The Industrial Building constitutes an "industrial building" within the meaning of the Act, and the Borrower is an "industrial concern" (as mentioned in Section 266A(h) of the Act) and a "bona fide tenant" or "bona fide purchaser" (as mentioned in the Act). Therefore, the Industrial Building is to be acquired by a "bona fide tenant or purchaser" (as mentioned in Section 266B(d) of the Act), as evidenced by the Letter of Intent, which is a "letter of intent" within the meaning of the Act.

SEC. 2. *And be it further ordained*, That the City is hereby authorized and empowered to issue, sell and deliver its Baltimore City, Maryland Industrial Development Revenue Bonds (P. Fred'k Obrecht Management Company Project), in an aggregate principal amount not to exceed \$780,000, subject to the provisions of this Ordinance. The proceeds of the Bonds will be loaned to the Borrower pursuant to the terms and provisions of the Loan Agreement, to be used by the Borrower for the sole and exclusive purpose of financing the acquisition of the Industrial Building. The Bonds and the interest thereon shall be limited obligations of the City, repayable by the City solely from the revenue derived from Loan repayments (both principal and interest) made to the City by the Borrower pursuant to the Loan Agreement, moneys derived from any collateral pledged under the Loan Agreement or under any assignment of lease, mortgage, deed of trust or security agreement executed or delivered in connection with the Bonds or the Loan, and from any other moneys made available to the City for such purpose. The security for the Bonds shall

be solely and exclusively as provided in Sections 1(d) and (e) of this Ordinance.

SEC. 3. *And be it further ordained*, That each of the Bonds shall bear the descriptive title "Baltimore City, Maryland Industrial Development Revenue Bond (P. Fred'k Obrecht Management Company Project)," provided that the descriptive title may contain such other descriptive information (e.g., "1981 Series") as the Board may prescribe in the Resolution. The Bonds shall bear interest from the date of delivery at an annual rate (the "Non-Taxable Rate") equal to seventy percent (70%) of the fluctuating commercial prime rate of interest charged from time to time by Mercantile-Safe Deposit and Trust Company, a Maryland banking and trust company (or by such other financial institution as the Board may, under the circumstances set forth in the Assignment, by the adoption of a resolution, prescribe) (the "Prime Rate"); provided, however, that under the circumstances set forth in the Assignment, the Board may, by the adoption of a resolution (which may be the Resolution) before or after the issuance, sale and delivery of the Bonds, increase or decrease the Non-Taxable Rate or change the Non-Taxable Rate to a fixed rate of interest, so long as the Non-Taxable Rate does not exceed seventy-five percent (75%) of the Prime Rate (in the case of a fluctuating rate of interest) or sixteen percent (16%) per annum (in the case of a fixed rate of interest); provided, further, that during any period in which the interest payable on the Bonds is for any reason includible in the gross income (as determined under Section 61 of the Internal Revenue Code of 1954, as amended) of the holder of any of the Bonds, the annual rate of interest payable on the Bonds shall be increased to the Prime Rate, plus two percent (2%) per annum (the "Taxable Rate"); and provided, further, that in the event that the Non-Taxable Rate is changed by the Board to a fixed rate of interest, then the Board may in the same resolution change the Taxable Rate to a fixed rate of interest, so long as the Taxable Rate (if fixed) does not exceed twenty-four percent (24%) per annum. Interest on the Bonds shall be payable monthly on dates to be prescribed by the Board in the Resolution and shall be calculated on the basis of a 360-day year factor applied to actual days elapsed,

and the principal of the Bonds shall be payable in monthly installments on dates and in amounts to be prescribed by the Board in the Resolution; provided, however, that under the circumstances set forth in the Assignment, installments of the interest on, and/or principal of, the Bonds shall be payable on such other dates, in such other amounts and for such other periods as the Board may, by the adoption of a resolution, prescribe.

SEC. 4. *And be it further ordained*, That (a) the authority to issue the Bonds is intended and shall be deemed to include the authority to issue bond anticipation notes pursuant to Section 12 of Article 31 of the Annotated Code of Maryland (1976 Replacement Volume and 1980 Cumulative Supplement), as amended (the "Bond Anticipation Note Enabling Legislation"). Reference in this Ordinance to the "Bonds" shall include such bond anticipation notes where appropriate. Prior to the issuance, sale and delivery of any series of bond anticipation notes, the Board shall adopt a resolution or resolutions which shall prescribe the maturity or maturities, interest rate or rates and other terms of such bond anticipation notes and the price or prices at which said notes will be sold. Such bond anticipation notes shall be sold by private negotiation by the City with a prospective purchaser or purchasers, as authorized by the Bond Anticipation Note Enabling Legislation.

(b) In accordance with the Bond Anticipation Note Enabling Legislation, the City hereby covenants to pay any bond anticipation notes issued pursuant to this Section 4 and the interest thereon from the proceeds of the Bonds in anticipation of the sale of which such notes are issued, and the City hereby further covenants to issue such Bonds when, and as soon as, the reason for deferring the issuance of the Bonds ceases to exist. The timely issuance of such Bonds, however, is dependent upon matters not within the control of the City, including (without limitation) the existence of a purchaser or purchasers for such Bonds at the time the reason for deferring the issuance of the Bonds ceases to exist and the effectiveness of various actions taken by the Borrower, its officers, agents and employees.

SEC. 5. *And be it further ordained*, That the definitive Bonds, which may be engraved, printed or typewritten,



shall be substantially in the following form, with such appropriate variations, omissions and insertions as the Board may approve in the Resolution:

*FORM OF BOND*

No. R- \_\_\_\_\_

\$ \_\_\_\_\_

UNITED STATES OF AMERICA  
STATE OF MARYLAND  
BALTIMORE CITY, MARYLAND  
INDUSTRIAL DEVELOPMENT REVENUE BOND  
(P. FRED'K OBRECHT MANAGEMENT  
COMPANY PROJECT)

FOR VALUE RECEIVED, MAYOR AND CITY COUNCIL OF BALTIMORE, a body politic and corporate and a political subdivision of the State of Maryland (the "Issuer"), hereby promises to pay (but only out of the "Receipts and Revenues of the Issuer from the Loan" as hereinafter defined) to Mercantile-Safe Deposit and Trust Company (the "Original Purchaser") or its successor or registered assignee or legal representative the principal sum of \_\_\_\_\_ DOLLARS (\$ \_\_\_\_\_), payable in installments and in the manner hereinafter set forth, and to pay interest on the unpaid principal amount hereof from [date of issuance], 1981, until paid in full (or, if this bond, or any portion hereof, shall have been duly called for early redemption and payment of the redemption price shall have been made or provided for, until the date fixed for such early redemption) at an annual rate (the "Non-Taxable Rate") equal to seventy percent (70%) of the fluctuating commercial prime rate of interest charged from time to time by Mercantile-Safe Deposit and Trust Company, a Maryland banking and trust company [or by such other financial institution as the Issuer may, under the circumstances and in the manner set forth in the Assignment (hereinafter defined), prescribe] (the "Prime Rate") (calculated on the basis of a 360-day year factor applied to actual days elapsed) payable at the times and in the manner hereinafter set forth [or at such increased or decreased fluctuating Non-Taxable Rate, or such fixed Non-Taxable Rate, as the Issuer may, under the circumstances and in

the manner set forth in the Assignment, prescribe, so long as the Non-Taxable Rate does not exceed seventy-five percent (75%) of the Prime Rate (in the case of a fluctuating rate of interest) or sixteen percent (16%) per annum (in the case of a fixed rate of interest)]; provided, however, that during any period in which the interest payable hereon is for any reason includible in the gross income (as determined under Section 61 of the Internal Revenue Code of 1954, as amended) of any holder hereof, the annual rate of interest payable on the unpaid principal amount hereof shall be increased to the Prime Rate, plus two percent (2%) per annum (the "Taxable Rate") (calculated on the basis of a 360-day year factor applied to actual days elapsed) [or, in the event that the Non-Taxable Rate is changed by the Issuer to a fixed rate of interest, at such fixed Taxable Rate as the Issuer may, in the manner set forth in the Assignment, prescribe, so long as the Taxable Rate (if fixed) does not exceed twenty-four percent (24%) per annum].

The principal hereof and interest hereon shall be paid in any coin or currency of the United States of America which, at the respective times of payment, is legal tender for the payment of public and private debts, as follows:

(a) interest only shall be payable on the \_\_\_\_\_ day of [first calendar month following date of issuance], 1981, and on the \_\_\_\_\_ day of each and every month for the next eleven months thereafter, by check or draft mailed by the P. Fred'k Obrecht Management Company, a Maryland general partnership (the "Borrower"), to the registered holder hereof at its address as it appears on the bond registration books of the Issuer, without the necessity of surrendering or presenting this bond, and such payment shall fully discharge the obligation of the Issuer herein to the extent of the payment so made;

(b) then, commencing on [first anniversary of date of first interest-only payment], 1982, and on the \_\_\_\_\_ day of each and every month thereafter, to and including the \_\_\_\_\_ day of \_\_\_\_\_, 2007, the principal hereof shall be payable in equal, consecutive monthly installments of \$ \_\_\_\_\_ each [or in such other installments as the Issuer may, under the circumstances and in the manner

set forth in the Assignment, prescribe], together with all accrued and unpaid interest on the principal balance hereof (except as hereinafter provided), by check or draft mailed by the Borrower to the registered holder hereof at the address indicated on the bond registration books of the Issuer, without the necessity of surrendering or presenting this bond, and all such payments shall fully discharge the obligation of the Issuer herein to the extent of the payments so made; and

(c) the entire, unpaid principal amount hereof and all accrued and unpaid interest hereon shall be due and payable on \_\_\_\_\_, 2007, if not paid earlier.

Notwithstanding any other provision of this bond, during any period in which the interest payable hereon is for any reason includible in the gross income (as determined under Section 61 of the Internal Revenue Code of 1954, as amended) of any registered holder hereof, the rate of interest payable hereon shall be increased to the Taxable Rate; and the Issuer agrees to make all payments due hereon during any such period in an amount increased (retroactively and prospectively) to include interest at the Taxable Rate, and the monthly installments of principal and interest as stated above shall be adjusted accordingly during any such period.

Any payment of interest or of interest and principal required to be made hereunder which is not made within fifteen (15) days from the date on which the same is due and payable shall continue as an obligation of the Issuer until the amount of such payment is fully paid, and the Issuer agrees to pay, to the extent permitted by law and subject to the limitations contained herein, interest thereon at the Taxable Rate from the date the same becomes due and payable until paid in full.

The Issuer shall also pay, solely from the sources hereinafter referred to, and in addition to the amounts payable under the preceding paragraph hereof, a late charge equal to five percent (5%) of any aggregate, monthly payment of interest or of principal and interest as set forth above which is made more than fifteen (15) days after the date on which the same becomes due and payable.



All payments hereon, including prepayments, shall be applied first to accrued and unpaid interest and the balance to principal.

This bond is issued under and pursuant to the Constitution and the laws of the State of Maryland, particularly Sections 266A to 266-I, inclusive, of Article 41 of the Annotated Code of Maryland (1978 Replacement Volume and 1980 Cumulative Supplement), as amended (the "Act"), and under and pursuant to Ordinance No. \_\_\_\_ of the Issuer, approved by the Mayor of the Issuer on \_\_\_\_\_, 1981 (the "Ordinance"), and by a resolution adopted by the Board of Finance of the Issuer on \_\_\_\_\_, 1981 (the "Resolution"), for the purpose of financing the acquisition of a certain industrial building to be located in the City of Baltimore (the "Industrial Building") by the Borrower.

The proceeds of this bond are being loaned to the Borrower by the Issuer under a Loan and Security Agreement dated as of \_\_\_\_\_, 1981, by and between the Borrower and the Issuer (the "Loan Agreement").

This bond is issued under an Assignment and Security Agreement dated \_\_\_\_\_, 1981, by and among the Issuer, the Original Purchaser and one or more trustees (the "Trustee") (the "Assignment") and, to the extent provided therein, is secured and entitled to the protection given by the Assignment. Pursuant to the Assignment the Issuer has assigned to the Original Purchaser, its successors and assigns (among other things) the "Receipts and Revenues of the Issuer from the Loan," which term is used herein as defined in the Assignment and which as therein defined includes all the payments payable to the Issuer pursuant to the Loan Agreement (including all enforcement remedies with respect thereto) and all other revenues of the Issuer attributable to the financing of the Industrial Building (excepting only the rights of the Issuer to indemnification by the Borrower and to payments to the Issuer for expenses incurred by the Issuer itself).

Pursuant to the Loan Agreement, payments sufficient for the prompt payment when due of the principal of, and premium (if any) and interest on, this bond are to be paid by the Borrower on behalf of the Issuer directly

to the registered holder hereof by check or draft mailed to its address as it appears on the bond registration books of the Issuer, such payments having been assigned by the Issuer for that purpose. The obligations of the Borrower under the Loan Agreement are secured by, among other things, (a) a Leasehold Mortgage dated \_\_\_\_\_, 1981, conveying the Borrower's leasehold interest in the land on which the Industrial Building is located to the City and the Original Purchaser (the "Leasehold Mortgage"), which leasehold interest is created by a ground lease by and between the Issuer, as lessor, and the Borrower, as lessee, and (b) an Assignment of Leases dated \_\_\_\_\_, 1981, pursuant to which the Borrower has assigned to the Issuer and the Original Purchaser all of its right, title and interest in and to, and remedies under, any and all leases of any portions of the Industrial Building (the "Assignment of Leases"). The payment of the principal of, and premium (if any) and interest on, this bond is fully, unconditionally and irrevocably guaranteed pursuant to a Guaranty Agreement executed by the Borrower and delivered to the Original Purchaser. The payment of the principal of, and premium (if any) and interest on, this bond and on the loan made by the Issuer to the Borrower and the performance by the Borrower of all of its obligations under the Loan Agreement are guaranteed pursuant to a Personal Guaranty Agreement executed by Thomas F. Obrecht, George F. Obrecht and Paul F. Obrecht, Jr. and delivered to the Issuer and to the Original Purchaser.

As more fully provided in the Assignment, this bond does not constitute an indebtedness or obligation to which the faith and credit of the Issuer are pledged but is a limited obligation of the Issuer, which is obligated to pay the principal of, and interest and redemption premium (if any) on, this bond only out of the Receipts and Revenues of the Issuer from the Loan. This bond may also be paid out of any other moneys made available to the Issuer for the payment thereof. By the terms of the Act, the principal of, and interest and redemption premium (if any) on, this bond do not, and shall not ever, constitute an indebtedness or charge against the general credit or taxing powers of the Issuer within the meaning of any constitutional or charter provision or statutory limitation



and shall not constitute or give rise to any pecuniary liability of the Issuer.

Reference is hereby made to the Assignment for a full and complete statement of the provisions with respect to the custody and application of the proceeds of this bond, the collection and disposition of the Receipts and Revenues of the Issuer from the Loan assigned as security for the payment of this bond and the interest thereon, the nature and extent of the security and the rights of the registered holder of this bond, the terms and conditions on which, and the purposes for which, this bond is issued, and the respective rights, duties and obligations of the Issuer, the Trustee and the Bank, to all of which the registered holder hereof, by acceptance of this bond, assents.

In the manner and with the effect provided in the Assignment, this bond is subject to redemption prior to maturity, with the payment of such premiums and/or penalties (if any) as the Assignment provides, as follows:

(a) This bond shall be redeemed, at the option of the Issuer, prior to maturity, under the circumstances and at the times set forth in the Assignment, either as a whole at any time or in part from time to time in multiples of \$5,000, at a redemption price equal to the principal amount hereof to be redeemed, together with unpaid interest accrued to the date fixed for redemption, by application of moneys available for that purpose, other than moneys to be applied as provided in (b) below; provided, that any partial redemption shall be applied to the principal to be redeemed in the inverse order of the installment payment dates.

(b) This bond shall be redeemed, under the circumstances and at the times set forth in the Assignment, as a whole but not in part, at a redemption price equal to the principal amount hereof, together with unpaid interest accrued to the date fixed for redemption, upon the Borrower's exercise of any option to prepay the Loan pursuant to the provisions of the Loan Agreement.

(c) This bond shall be redeemed, at the option of the registered holder hereof, in whole or in part, at a re-



demption price equal to the principal amount hereof, together with unpaid interest accrued to the date fixed for redemption, upon the occurrence of certain conditions more particularly described in the Assignment and the Loan Agreement; provided that any such partial redemption shall be applied to reduce the unpaid principal balance of this bond, and the monthly installments of principal and interest as stated above shall be adjusted to provide for amortization of the remaining principal balance thereafter in equal installments over the term remaining to maturity of this bond, with interest as herein provided.

(d) At the option of the registered holder hereof, this bond shall be redeemed, under the circumstances set forth in the Assignment, in whole but not in part, on any installment payment date on or after *fourth anniversary of date of issuance*, 1985.

(e) At the option of the registered holder hereof, this bond shall be redeemed, in whole but not in part, upon any occurrence under the Loan Agreement, the Leasehold Mortgage, the Assignment of Leases, the Assignment or any other document executed in connection with this bond which gives such holder the option to accelerate the maturity of amounts payable under the Loan Agreement and/or this bond.

Any such redemption, either in whole or in part, shall be made upon at least thirty (30) days' prior written notice in the manner and upon the terms and conditions provided in the Assignment. If this bond or any portion hereof shall have been duly called for redemption, and if payment of the redemption price, together with unpaid interest accrued to the date fixed for redemption, shall have been made (all as more fully set forth in the Assignment), then interest on this bond or such portion hereof so called shall cease to accrue from the date fixed for redemption; and from and after such date this bond or the portion hereof duly called for redemption shall no longer be entitled to any benefit or security under the Assignment, and, except as provided in Section ---- of the Loan Agreement, the registered holder hereof shall have no rights in respect of this bond or such portion hereof so called for redemption except to receive payment of such

redemption price and unpaid interest accrued to the date fixed for redemption.

The amount of any partial prepayment, and the date on which the same is made, shall be noted by the registered holder on Schedule A attached hereto and made a part hereof.

In certain events, on the conditions, in the manner and with the effect set forth in the Assignment, the principal of this bond may become or may be declared to be due and payable before the stated maturity hereof, together with the interest accrued thereon.

The registered holder of this bond shall have no right to enforce the provisions of the Assignment, or to institute any action to enforce the covenants therein contained, or to take any action with respect to any default under the Assignment, or to institute, appear in or defend any suit or other proceeding with respect thereto, except as provided in the Assignment.

This bond shall be registered on the books of the Issuer to be kept for that purpose by the Director of Finance of the Issuer or any officer succeeding to his duties. This bond shall be transferable upon such books only by the registered holder or by its duly authorized officer or attorney. This bond may be transferred or exchanged upon surrender hereof at the office of the Director of Finance of the Issuer with a written instrument of transfer satisfactory to the Director of Finance, duly executed by the registered holder hereof or his duly authorized officer or attorney. Such transfers or exchanges shall be without charge to the registered holder hereof, but any taxes or other governmental charges required to be paid with respect to the same shall be paid by the registered holder requesting such transfer or exchange as a condition precedent to the exercise of such privilege.

The Issuer and the Borrower may deem and treat the person in whose name this bond is registered as the absolute owner hereof for all purposes; and neither the Issuer nor the Borrower shall be affected by any notice to the contrary.

All acts, conditions and things required by the Constitution and statutes of the State of Maryland, the Ordi-

nance, the Resolution and the Assignment to exist, to have happened and to have been performed precedent to and in the issuance of this bond, do exist, have happened and have been performed.

No covenant or agreement contained in this bond or the Assignment shall be deemed to be a covenant or agreement of any officer, agent or employee of the Issuer in his or her individual capacity, and neither the members of the City Council of Baltimore nor any official executing this bond shall be liable personally on this bond or be subject to any personal liability or accountability by reason of the issuance of this bond.

IN WITNESS WHEREOF, the Issuer has caused this bond to be executed in its name and on its behalf by its Mayor, by his manual or facsimile signature, and by its Director of Finance, by his manual or facsimile signature, and has caused its corporate seal or a facsimile thereof to be impressed or otherwise reproduced hereon, and attested by its Custodian of the City Seal, by his manual signature, all as of the \_\_\_\_ day of \_\_\_\_\_, 1981.

MAYOR AND CITY COUNCIL  
OF BALTIMORE

[SEAL]

By \_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_ By \_\_\_\_\_  
Custodian of the City Seal      Director of Finance

### SCHEDULE A

No. R- \_\_\_\_\_ \$\_\_\_\_\_

Baltimore City, Maryland  
Industrial Development Revenue Bond  
(P. Fred'k Obrecht Management Company Project)

\_\_\_\_\_  
\_\_\_\_\_  
*Date      Amount of Redemption      Manner of Application*

SEC. 6. *And be it further ordained*, That the Bonds shall be executed in the name of the City and on its behalf by



the Mayor of the City, by his manual or facsimile signature, and by the Director of Finance of the City, by his manual or facsimile signature, and the corporate seal of the City or a facsimile thereof shall be impressed or otherwise reproduced thereon and attested by the Custodian of the City Seal, by his manual signature. The Loan Agreement, the Assignment, the Assignment of Leases and (where applicable) all other documents as the Board shall deem necessary to effectuate the issuance, sale and delivery of the Bonds, shall be executed in the name of the City and on its behalf by the Mayor of the City by his manual signature, and the corporate seal of the City or a facsimile thereof shall be impressed or otherwise reproduced thereon and attested by the Custodian of the City Seal by his manual signature. In case any officer whose signature or a facsimile of whose signature shall appear on the Bonds or any of the aforesaid documents shall cease to be such officer before the delivery of the Bonds or any of the other aforesaid documents, such signature or such facsimile shall nevertheless be valid and sufficient for all purposes, the same as if such officer had remained in office until delivery. The Mayor of the City, the Director of Finance of the City, the Custodian of the City Seal and other officials of the City are hereby authorized and empowered to do all such acts and things and to execute all such documents and certificates as the Board may determine in the Resolution to be necessary to carry out and comply with the provisions hereof.

SEC. 7. *And be it further ordained*, That the Bonds shall be executed, issued and delivered at any time or from time to time and in such amount or amounts not exceeding, in the aggregate, the principal amount of \$780,000 as the Board shall prescribe in the Resolution.

SEC. 8. *And be it further ordained*, That the Bonds shall be dated, shall be in such denominations, may be of such tenor (not materially inconsistent with the form of the Bonds set forth in Section 4 of this Ordinance), and may be payable in such amounts, at such times not exceeding thirty (30) years from the date thereof, and at such place or places as the Board shall prescribe in the Resolution.

SEC. 9. *And be it further ordained*, That the Bonds will be subject to redemption prior to maturity upon the terms and conditions contained in the form of the Bonds set forth in Section 4 of this Ordinance and upon such other terms and conditions as the Board shall prescribe in the Resolution.

SEC. 10. *And be it further ordained*, That prior to the issuance, sale and delivery of the Bonds the Board shall adopt the Resolution pursuant to which the Board shall:

(a) prescribe the final form, tenor, terms and conditions of and security for the Bonds;

(b) prescribe the actual amounts, denominations, date, interest due dates, principal installment due dates, actual maturity or maturities (within the limits herein prescribed), place or places of payment of the Bonds, and final terms, conditions and details under which the Bonds may be called for redemption prior to their stated maturity;

(c) appoint a bank having trust powers, or a trust company, or an individual (or individuals) as Trustee for the "Construction Fund" established under the Assignment;

(d) approve the form and contents, and authorize the execution and delivery (where applicable) of (i) the Loan Agreement, (ii) the Assignment, (iii) the Leasehold Mortgage, (iv) the Guaranty Agreement, (v) the Personal Guaranty Agreement, (vi) the Assignment of Leases, and (vii) such other documents, including (without limitation) mortgages, deeds of trust, guaranties and security instruments, as the Board shall deem necessary to effectuate the issuance, sale and delivery of the Bonds;

(e) determine the time of execution, issuance, sale and delivery of the Bonds and prescribe any and all other details of the Bonds;

(f) provide for the direct payment by the Borrower of all costs, fees and expenses incurred by or on behalf of the City in connection with the issuance, sale and delivery of the Bonds, including (without limitation) costs of printing (if any) and issuing the Bonds, legal expenses (including the fees of bond counsel) and compensation to

any person (other than full time employees of the City) performing services by or on behalf of the City in connection therewith;

(g) award the Bonds; and

(h) do any and all things, and authorize the officials of the City to do any and all things, necessary, proper or expedient in connection with the issuance, sale and delivery of the Bonds.

SEC. 11. *And be it further ordained*, That the Loan Agreement shall contain such terms, provisions and conditions as the Board shall prescribe in the Resolution, which may include (without limitation) the following:

(a) provisions for the making of the Loan by the City to the Borrower and provisions for the repayment by the Borrower of the principal of and interest on the Loan;

(b) a description of the security for the Loan;

(c) such representations, warranties, findings and affirmative and negative covenants as the Board may determine to be necessary, proper or expedient in connection with the issuance, sale and delivery of the Bonds;

(d) provisions for the issuance of the Bonds and the application and disbursement of the proceeds of the Bonds;

(e) provisions regarding the duration of the term of the Loan, ownership and possession of the Industrial Building and the amounts payable by the Borrower;

(f) provisions regarding damage to and condemnation of the Industrial Building or any part thereof and the application of the net proceeds of any insurance claim or condemnation award;

(g) provisions for the appointment of an authorized City representative and an authorized Borrower representative;

(h) covenants with respect to the use, maintenance, modification, operation and transfer of, and access to, the Industrial Building and with respect to the use of the proceeds of the Bonds;



(i) provisions regarding the assignment of the Loan Agreement;

(j) provisions regarding the prepayment of the Loan by the Borrower;

(k) provisions regarding the remedies of the holder(s) of the Bonds (as assignee(s) of the City) in the event of default; and

(l) such other terms, provisions and conditions as the Board may determine to be necessary, proper or expedient in connection with the issuance, sale and delivery of the Bonds.

SEC. 12. *And be it further ordained*, That the Assignment shall contain such terms, provisions and conditions as the Board shall prescribe in the Resolution for the protection and enforcement of the rights and remedies of the holders of the Bonds, which may include (without limitation) the following:

(a) a description of the Bonds and the form of the Bonds;

(b) the manner of execution, registration and transfer of the Bonds;

(c) provisions for delivery of the Bonds;

(d) the terms and conditions under which the Bonds may be redeemed prior to their stated maturity and the details of the procedure for the redemption of the Bonds;

(e) provisions for the custody and application of, and security for, the proceeds of the Bonds and the investment of such proceeds;

(f) the remedies of the holders of the Bonds in the event of default;

(g) the duties, rights and immunities of the Trustee;

(h) the manner of execution of instruments by the holders of the Bonds and the method of proof of ownership of the Bonds;

(i) provisions for the modification of the Assignment and the Loan Agreement;

- (j) provisions for the defeasance of the Assignment;
- (k) provisions for the prescription by the Board of certain of the terms and conditions of the Bonds, before or after their issuance, sale and delivery; and
- (l) such other terms, provisions and conditions as the Board may determine to be necessary, appropriate or expedient in connection with the issuance, sale and delivery of the Bonds.

SEC. 13. *And be it further ordained*, That, as authorized by the Act, the Bonds shall be sold to the Original Purchaser at private (negotiated) sale upon such terms and conditions as shall be approved by the Board in the Resolution.

SEC. 14. *And be it further ordained*, That the City hereby accepts the Letter of Intent in order to further evidence the commitment of the City to issue, sell and deliver the Bonds in accordance with the terms and provisions of this Ordinance.

SEC. 15. *And be it further ordained*, That neither the Bonds nor the interest or redemption premium, if any, thereon shall ever constitute an indebtedness or general obligation of the City or a charge against, or pledge of the general credit or taxing powers of, the City within the meaning of any constitutional or charter provision or statutory limitation, or ever constitute or give rise to any pecuniary liability of the City. The Bonds and the interest and redemption premium, if any, thereon shall be limited obligations of the City, and shall be payable solely from (i) certain revenue derived from Loan repayments (both principal and interest) made to the City by the Borrower on account of the Loan, (ii) moneys derived from any collateral pledged under the Loan Agreement or under any assignment of lease, mortgage, deed of trust, guaranty or security agreement executed or delivered in connection with the Bonds or the Loan, and (iii) any other moneys made available to the City for such purpose. Accordingly, this Ordinance definitely fixes and determines the entire amount of the above-described receipts and revenues of the City from the Loan (except for certain rights of the

City to indemnification and to payments in respect of its administrative expenses in connection with the Bonds and the Loan) to be the amount of revenue derived from payments with respect to the Loan which is necessary to be set apart and applied to the payment of principal of, and interest and redemption premium (if any) on, the Bonds. The proceeds of the Bonds will be deposited with the Trustee to be held and disbursed by the Trustee as provided in the Assignment to be approved by the Board in the Resolution. The payments to be made by the Borrower pursuant to the Loan Agreement will be paid directly to the registered holder(s) of the Bonds as provided in the Assignment to be approved by the Board in the Resolution. No such moneys will be commingled with the City's funds or be subject to the absolute control of the City, but will be subject only to such limited supervision and checks as are deemed necessary or desirable by the City to insure that the proceeds of the Bonds are used to accomplish the public purposes of the Act and this Ordinance.

SEC. 16. *And be it further ordained*, That in consideration of the purchase and acceptance of the Bonds by those who shall hold the Bonds from time to time, the City does hereby, and by the execution and delivery of the Assignment to be approved by the Board shall, pledge the income and revenue under the Loan Agreement (other than payments to the City for indemnification or to reimburse the City for expenses incurred by the City itself) to the Original Purchaser, its successors and assigns, to be used and applied for the payment of the principal of, and premium (if any) and interest on, the Bonds. Pursuant to the terms of the Loan Agreement, to be approved by the Board in the Resolution, payments sufficient for the prompt payment when due of the principal of, and premium (if any) and interest on, the Bonds are to be paid by the Borrower directly to the registered holder(s) of the Bonds for the account of the City, and such payments shall be assigned by the City to the Original Purchaser, its successors and assigns under the Assignment.

SEC. 17. *And be it further ordained*, That the provisions of this Ordinance are severable, and if any provision, sentence, clause, section or part hereof is held illegal, invalid



or unconstitutional, or inapplicable to any person or circumstances, such illegality, invalidity, unconstitutionality or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this Ordinance would have been passed if such illegal, invalid or unconstitutional provision, sentence, clause, section or part had not been included herein, and if the person or circumstances to which this ordinance or any part hereof are inapplicable had been specifically excluded herefrom.

SEC. 18. *And be it further ordained*, That the Borrower shall agree that:

(a) It will submit any plans and specifications for the acquisition of the Industrial Building to the Department of Housing and Community Development of the City for approval, with the understanding that, in addition to the economic feasibility of the acquisition of the Industrial Building, the Department of Housing and Community Development may consider, without limitation, the suitability of the site plan, architectural treatment, building plans, elevations, materials, color, construction details, access, parking, loading, landscaping, identification signs, exterior lighting, refuse collection details, streets, sidewalks and harmony between the plans and the surroundings of the proposed Industrial Building, and that the Department of Housing and Community Development may refuse approval of any such plans and specifications for aesthetic or functional reasons; and

(b) It and its developers will work with the design advisory group appointed by the Department of Housing and Community Development in order to achieve high quality site, building and landscape design.

SEC. 19. *And be it further ordained*, That if the Bonds are not issued and sold within six months from the date on which this Ordinance is approved by the Mayor of the City, the authorization provided in this Ordinance for the City to issue and sell the Bonds shall expire; provided, however, that the Board may, upon a showing of good

cause at a public hearing held before the Board, extend such authorization for one additional period not to exceed six months. The Board, in its sole discretion, shall determine the sufficiency, or lack thereof, of the reasons presented for any requested extension of this Ordinance. If an extension is granted, notice of such extension and the reasons therefor must be sent to the City Council.

SEC. 20. *And be it further ordained*, That this Ordinance shall take effect from the date of its passage.

Approved June 12, 1981.

WILLIAM DONALD SCHAEFER, *Mayor*.

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No. 337

(Council No. 86)

AN ORDINANCE concerning

CLEANLINESS OF SIDEWALKS, ALLEYS,  
AND GUTTERS

FOR the purpose of requiring the owner and occupant of a dwelling to keep clean any adjoining sidewalk, alley, and gutter.

BY repealing and reordaining with amendments

Article 13—Housing and Urban Renewal

Section(s) 910 and 1008, Housing Code

Baltimore City Code (1976 Edition, as amended)

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That Sections 910 and 1008 of Article 13 of the Baltimore City Code (1976 Edition, as amended), title "Housing and Urban Renewal", subtitle "Housing Code", be and they are hereby repealed and reordained with amendments to read as follows:

*Responsibilities of Occupants*

910. Cleanliness of ~~sidewalks~~ SIDEWALKS, alleys and gutters.

Every occupant of any dwelling or dwelling unit bordering any street, lane or alley shall not deposit garbage or rubbish into the gutters or alleys abutting the premises.

*Every occupant of any dwelling shall keep free from litter, rubbish, garbage, or other offensive material any adjoining alley up to one-half its width, sidewalk, and gutter.*

IN ANY SINGLE FAMILY DWELLING OR IN ANY DWELLING WHERE THE OCCUPANTS OF A PARTICULAR DWELLING UNIT HAVE EXCLUSIVE CONTROL OVER THE REAR YARD, THOSE OCCUPANTS SHALL MAINTAIN IN A CLEAN AND SANITARY CONDITION, FREE OF GARBAGE, RUBBISH, BULK TRASH, OR OTHER OFFENSIVE MATERIAL, BOTH THAT PORTION OF THE SIDEWALK AND THE GUTTER THAT ABUTS THE PROPERTY AND THAT PORTION OF ANY ALLEY THAT ABUTS THE PROPERTY AND IS BOUNDED BY THE PROPERTY LINES OF THE ADJOINING PROPERTIES AND THE MID-POINT OF SAID ALLEY.

#### *Responsibilities of Owners*

1008. Cleanliness of ~~sidewalks~~ SIDEWALKS, alleys, and gutters.

The owner of any premises bordering any street, lane or alley shall not deposit garbage or rubbish into the street, gutters or alleys abutting the premises.

*The owner, or his operator or agent, of any dwelling shall keep free from litter, rubbish, garbage, or other offensive material any adjoining alley up to one-half its width, sidewalks, and gutter.*

THE OWNER OR OPERATOR OF ANY DWELLING CONTAINING MORE THAN ONE DWELLING UNIT SHALL MAINTAIN IN A CLEAN AND SANITARY CONDITION, FREE OF GARBAGE, RUBBISH, BULK TRASH, OR OTHER OFFENSIVE MATERIAL, BOTH THAT PORTION OF THE SIDEWALK AND THE GUTTER THAT ABUTS THE PROPERTY AND THAT PORTION OF ANY ALLEY THAT ABUTS THE PROPERTY AND IS BOUNDED BY THE PROPERTY LINES OF THE ADJOINING PROPERTIES AND THE MID-POINT OF SAID ALLEY.



SEC. 2. *Be it further ordained*, That this ordinance shall take effect thirty days from the date of its passage.

Approved June 19, 1981.

WILLIAM DONALD SCHAEFER, *Mayor*.

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No. 338

(Council No. 469)

AN ORDINANCE concerning

SUPPLEMENTARY APPROPRIATION—  
DEPARTMENT OF HOUSING AND COMMUNITY  
DEVELOPMENT

FOR the purpose of providing a supplementary special loan fund appropriation in the amount of One Million Dollars (\$1,000,000) to the Department of Housing and Community Development to be used for developing a light industrial park at Park Circle in Northwest Baltimore.

BY authority of

Article VI—Board of Estimates

Section 2(h) (3)

Baltimore City Charter (1964 Revision as amended)

WHEREAS, Article 41, Sections 438-446 inclusive, of the Annotated Code of Maryland, as amended, provides for the Counties and City of Baltimore to borrow up to \$1,500,000 from the State for any one project under the Maryland Industrial Land Act; and

WHEREAS, the money appropriated herein represents the proceeds of a loan approved by the Maryland Department of Economic and Community Development under the Maryland Industrial Land Act; and

WHEREAS, the sum appropriated herein is for a new program which could not reasonably be anticipated at the time of formulation of the proposed Ordinance of Estimates for the 1981 fiscal year, in accordance with Article VI, Section 2(h) (3) of said Charter; and

WHEREAS, the supplementary special loan fund appropriation ordained herein has been recommended to the City Council by the Board of Estimates, the said recommendation having been made at a regular meeting of said Board held on the 30th day of December, 1980, all in accordance with Article VI, Section 2(h) (3) of the Baltimore City Charter (1964 Revision as amended).

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That under the provisions of Article VI, Section 2(h) (3) of the 1964 revision of the Charter of Baltimore City, the sum of One Million Dollars (\$1,000,000) shall be made available to the Department of Housing and Community Development of the City of Baltimore as a supplementary special loan fund appropriation for the fiscal year ending June 30, 1981 for the purpose of developing a light industrial park at Park Circle in Northwest Baltimore. The amount thus made available as a supplementary special loan fund appropriation shall be expended from a loan of funds to the Mayor and City Council of Baltimore by the Maryland Department of Economic and Community Development; said sum being specifically loaned to the Mayor and City Council of Baltimore for the aforesaid purpose; and said funds from said Maryland Department of Economic and Community Development shall be the source of revenue for this supplementary special loan fund appropriation, as required by Article VI, Section 2 of the Baltimore City Charter (1964 Revision as amended).

SEC. 2. *And be it further ordained*, That this ordinance shall take effect from the date of its passage.

Approved June 19, 1981.

WILLIAM DONALD SCHAEFER, *Mayor*.

## No. 339

(Council No. 470)

## AN ORDINANCE concerning

SUPPLEMENTARY APPROPRIATION—  
DEPARTMENT OF HOUSING AND COMMUNITY  
DEVELOPMENT

FOR the purpose of providing a supplementary special fund appropriation in the amount of Two Million Seven Hundred Thousand Dollars (\$2,700,000) to the Department of Housing and Community Development to be used for developing a light industrial park at Park Circle in Northwest Baltimore.

BY authority of  
Article VI—Board of Estimates  
Section 2(h) (2)  
Baltimore City Charter (1964 Revision as amended)

WHEREAS, the money appropriated herein represents a grant from a public source which could not be expected with reasonable certainty at the time of formulation of the fiscal 1981 Ordinance of Estimates; and

WHEREAS, the supplementary special fund appropriation ordained herein has been recommended to the City Council by the Board of Estimates, the said recommendation having been made at a regular meeting of said Board held on the 30th day of December, 1980, all in accordance with Article VI, Section 2(h) (2) of the Baltimore City Charter (1964 Revision as amended).

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That under the provisions of Article VI, Section 2(h) (2) of the 1964 revision of the Charter of Baltimore City, the sum of Two Million Seven Hundred Thousand Dollars (\$2,700,000) shall be made available to the Department of Housing and Community Development of the City of Baltimore as a supplementary special fund appropriation for the fiscal year ending June 30, 1981 for the purpose of developing a light industrial park at Park Circle in Northwest Baltimore. The amount thus made available as a supplementary special fund appropriation



shall be expended from a grant of funds to the Mayor and City Council of Baltimore by the Economic Development Administration, U.S. Department of Commerce; said sum being specifically allotted to the Mayor and City Council of Baltimore for the aforesaid purpose; and said funds from said Economic Development Administration, U.S. Department of Commerce shall be the source of revenue for this supplementary special fund appropriation, as required by Article VI, Section 2 of the Baltimore City Charter (1964 Revision as amended).

SEC. 2. *And be it further ordained*, That this ordinance shall take effect from the date of its passage.

Approved June 19, 1981.

WILLIAM DONALD SCHAEFER, *Mayor*.

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No. 340

(Council No. 471)

AN ORDINANCE concerning

SUPPLEMENTARY APPROPRIATION—  
DEPARTMENT OF HOUSING AND COMMUNITY  
DEVELOPMENT

FOR the purpose of providing a supplementary special loan fund appropriation in the amount of One Million Dollars (\$1,000,000) to the Department of Housing and Community Development to be used for developing a light industrial park at Park Circle in Northwest Baltimore.

BY authority of

Article VI—Board of Estimates

Section 2(h) (3)

Baltimore City Charter (1964 Revision as amended)

WHEREAS, Article 41, Sections 460-466 inclusive, of the Annotated Code of Maryland, as amended, provides for

political subdivisions to borrow up to \$3,000,000 for any one project from the State Industrial and Commercial Redevelopment Fund; and

WHEREAS, the money appropriated herein represents the proceeds of a loan from the State Industrial and Commercial Redevelopment Fund approved by the Board of Public Works, State of Maryland; and

WHEREAS, the sum appropriated herein is for a new program which could not reasonably be anticipated at the time of formulation of the proposed Ordinance of Estimates for the 1981 fiscal year, in accordance with Article VI, Section 2(h) (3) of said Charter; and

WHEREAS, the supplementary special loan fund appropriation ordained herein has been recommended to the City Council by the Board of Estimates, the said recommendation having been made at a regular meeting of said Board held on the 30th day of December, 1980, all in accordance with Article VI, Section 2(h) (3) of the Baltimore City Charter (1964 Revision as amended).

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That under the provisions of Article VI, Section 2(h) (3) of the 1964 revision of the Charter of Baltimore City, the sum of One Million Dollars (\$1,000,000) shall be made available to the Department of Housing and Community Development of the City of Baltimore as a supplementary special loan fund appropriation for the fiscal year ending June 30, 1981 for the purpose of developing a light industrial park at Park Circle in Northwest Baltimore. The amount thus made available as a supplementary special loan fund appropriation shall be expended from a loan of funds to the Mayor and City Council of Baltimore by the Board of Public Works, State of Maryland; said sum being specifically loaned to the Mayor and City Council of Baltimore for the aforesaid purpose; and said funds from said Board of Public Works, State of Maryland, shall be the source of revenue for this supplementary special loan fund appropriation, as required by Article VI, Section 2 of the Baltimore City Charter (1964 Revision as amended).

SEC. 2. *And be it further ordained*, That this ordinance shall take effect from the date of its passage.

Approved June 19, 1981.

WILLIAM DONALD SCHAEFER, *Mayor*.

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No. 341

(Council No. 472)

AN ORDINANCE concerning

SUPPLEMENTARY APPROPRIATION—  
DEPARTMENT OF HOUSING AND COMMUNITY  
DEVELOPMENT

FOR the purpose of providing a supplementary special fund appropriation in the amount of Nine Hundred Thousand Dollars (\$900,000) to the Department of Housing and Community Development to be used for developing a light industrial park at Park Circle in Northwest Baltimore.

BY authority of

Article VI—Board of Estimates

Section 2(h) (2)

Baltimore City Charter (1964 Revision as amended)

WHEREAS, the money appropriated herein represents a grant from a public source which could not be expected with reasonable certainty at the time of formulation of the fiscal 1981 Ordinance of Estimates; and

WHEREAS, the supplementary special fund appropriation ordained herein has been recommended to the City Council by the Board of Estimates, the said recommendation having been made at a regular meeting of said Board held on the 30th day of December, 1980, all in accordance with Article VI, Section 2(h) (2) of the Baltimore City Charter (1964 Revision as amended).

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That under the provisions of Article VI,



Section 2(h) (2) of the 1964 revision of the Charter of Baltimore City, the sum of Nine Hundred Thousand Dollars (\$900,000) shall be made available to the Department of Housing and Community Development of the City of Baltimore as a supplementary special fund appropriation for the fiscal year ending June 30, 1981 for the purpose of developing a light industrial park at Park Circle in Northwest Baltimore. The amount thus made available as a supplementary special fund appropriation shall be expended from a grant of funds to the Mayor and City Council of Baltimore by the Board of Public Works, State of Maryland, from the State Industrial and Commercial Redevelopment Fund; said sum being specifically allotted to the Mayor and City Council of Baltimore for the aforesaid purpose; and said funds from said Board of Public Works, State of Maryland shall be the source of revenue for this supplementary special fund appropriation, as required by Article VI, Section 2 of the Baltimore City Charter (1964 Revision as amended).

SEC. 2. *And be it further ordained*, That this ordinance shall take effect from the date of its passage.

Approved June 19, 1981.

WILLIAM DONALD SCHAEFER, *Mayor*.

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No. 342

(Council No. 478)

AN ORDINANCE concerning

URBAN RENEWAL—JOHNSTON SQUARE—  
AMENDMENT NO. 3

FOR the purpose of amending the Urban Renewal Plan for Johnston Square to, among other things, (1) authorize the acquisition of certain properties by the Mayor and City Council of Baltimore; (2) expand an existing disposition lot, create new disposition lots and designate utility and drainage easements; (3) make certain land

use changes; (4) revise language in the Plan regarding permitted uses and include an additional provision concerning landscape treatment of all properties to be acquired; (5) revise certain Appendices and Exhibits attached to the Urban Renewal Plan to reflect changes provided in Amendment No. 3; (6) waive such requirements, if any, as to content or procedure for the preparation, adoption, and approval of renewal plans as set forth in Article 13 of the Baltimore City Code (1976 Edition, as amended) which the Urban Renewal Plan for Johnston Square may not meet; (7) provide for the separability of the various parts and applications of this ordinance; (8) provide that where the provisions of this ordinance shall conflict with any other ordinance, in force in the City of Baltimore, the provision which establishes the higher standard shall prevail; (9) provide for an effective date hereof.

WHEREAS, an Urban Renewal Plan for Johnston Square was first approved by the Mayor and City Council of Baltimore by Ordinance No. 357 dated June 27, 1977, and last amended by Ordinance No. 1110 dated June 27, 1979; and

WHEREAS, pursuant to Article 13 of the Baltimore City Code (1976 Edition, as amended), no substantial change or changes shall be made in any renewal plan, after approval by ordinance, without such change or changes first being adopted and approved in the same manner as set forth in said Article 13 for the approval of a renewal plan, namely the preparation of such change or changes by the Department of Housing and Community Development, the approval of such change or changes by the Director of the Department of Planning, and approval and adoption by an ordinance of the Mayor and City Council of Baltimore after a public hearing in relation thereto, all in the manner set forth in said Article 13; and

WHEREAS, extensive changes in the Urban Renewal Plan make it infeasible to make line-by-line changes; therefore, the Department of Housing and Community Development has prepared an amended Urban Renewal Plan for Johnston Square; and

WHEREAS, said amended Urban Renewal Plan for Johnston Square has been approved by the Director of the

Department of Planning with respect to its conformity as to the Master Plan, the detailed location of any public improvements proposed in the amended Renewal Plan, its conformity to the rules and regulations for subdivisions, and its conformity to existing zoning classifications; and said amended Renewal Plan has been approved and recommended to the Mayor and City Council of Baltimore by the Commissioner of the Department of Housing and Community Development; now, therefore,

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That the amended Urban Renewal Plan for Johnston Square, identified as "Urban Renewal Plan, Johnston Square . . . revised to include Amendment No. 3, dated December 12 16, 1980 AND REVISED APRIL 6, 1981," is hereby approved and the Clerk of the City Council is hereby directed to file a copy of said amended Urban Renewal Plan with the Department of Legislative Reference as a permanent public record and to make the same available for public inspection and information.

SEC. 2. *And be it further ordained*, That it is necessary to acquire, by purchase or by condemnation, for urban renewal purposes, the fee simple interest or any lesser interest in and to certain properties or portions thereof, together with all right, title, interest and estate that the owner or owners of said property interests may have in all streets, alleys, ways or lanes, public or private, both abutting the whole area described and/or contained within the perimeter of said area, situate in Baltimore City, Maryland, and described as follows:

1104 Barclay Street

1106 Barclay Street

704 E. Biddle Street

1104 N. Central Avenue

1106 N. Central Avenue

1108 N. Central Avenue

1110 N. Central Avenue

1112 N. Central Avenue

1114 N. Central Avenue

1116 N. Central Avenue



- 815 E. Chase Street
- 819 E. CHASE STREET
- 829 E. Chase Street
- 1002 E. Chase Street
- 1004 E. Chase Street
- 1006 E. Chase Street
- 1008 E. Chase Street
- 1010 E. Chase Street
- 1012 E. Chase Street
- 1014 E. Chase Street
- 1016 E. Chase Street
- 1018 E. Chase Street
- 1020 E. Chase Street
- 1022 E. Chase Street
- ~~1024 E. Chase Street~~
- LOT 17, BLOCK 1172 (FORMERLY KNOWN  
AS 1024 E. CHASE STREET)
- 1207 E. Chase Street
- 1209 E. Chase Street
- 1210 E. Chase Street
- 1211 E. Chase Street
- 1212 E. Chase Street
- 1213 E. Chase Street
- 1214 E. Chase Street
- 1215 E. Chase Street
- 1216 E. Chase Street
- 1217 E. Chase Street
- 1218 E. Chase Street
- 1219 E. Chase Street
- 1221 E. Chase Street
- 1222 E. Chase Street
- 1223 E. Chase Street
- 1225 E. Chase Street
- 1227 E. Chase Street
- 1229 E. Chase Street
- 1232 E. Chase Street
- 1236 E. Chase Street
- 1238 E. Chase Street
- 1300 E. Chase Street
- 1302 E. Chase Street
- 1304 E. CHASE STREET
- 1028 N. Eden Street
- 1030 N. EDEN STREET

1302 Ensor Street

1234, 1236, 1238 GREENMOUNT AVENUE

~~1106 Harford Avenue~~

~~1108 Harford Avenue~~

~~1110 Harford Avenue~~

~~1112 Harford Avenue~~

~~1114 Harford Avenue~~

~~1116 Harford Avenue~~

~~1118 Harford Avenue~~

~~1120 Harford Avenue~~

~~1122 Harford Avenue~~

~~1124 Harford Avenue~~

~~1126 Harford Avenue~~

~~1128 Harford Avenue~~

~~1130 Harford Avenue~~

~~1132 Harford Avenue~~

~~1134 Harford Avenue~~

~~1136 Harford Avenue~~

~~1138 Harford Avenue~~

LOT 1/15, BLOCK 1172 (FORMERLY KNOWN  
AS 1106 THROUGH 1138 HARFORD AVENUE)

1302 Hillman Street

~~1309~~<sup>1</sup>/<sub>2</sub> Hillman Street

~~1112 Homewood Avenue~~

~~1314 Homewood Avenue~~

1214 HOMEWOOD AVENUE

1315 HOMEWOOD AVENUE

1317 Homewood Avenue

702 Mura Street

705 Mura Street

713 Mura Street

511-15 E. PRESTON STREET

721 E. PRESTON STREET

723 E. Preston Street

725 E. Preston Street

742 E. Preston Street

~~745 E. Preston Street~~

743 E. PRESTON STREET

747 E. Preston Street

749 E. PRESTON STREET

800 E. Preston Street

802 E. PRESTON STREET

836 E. Preston Street

838 E. Preston Street

Rear of 838 (known as Lot 34A, Block 1143)

907 E. Preston Street

916 E. Preston Street

1003 Somerset Street

1005 Somerset Street

1007 Somerset Street

1009 Somerset Street

1011 Somerset Street

1013 Somerset Street

1015 Somerset Street

1017 Somerset Street

1019 Somerset Street

1021 Somerset Street

1023 Somerset Street

1025 Somerset Street

1027 Somerset Street

1029 Somerset Street

1031 Somerset Street

1033 Somerset Street

1035 Somerset Street

1036 Somerset Street

1037 Somerset Street

1038 Somerset Street

1040 Somerset Street

1042 Somerset Street

1044 Somerset Street

1200 Valley Street

1207 Valley Street

1305 Wirton Street

SEC. 3. *And be it further ordained*, That the Real Estate Acquisition Division of the Department of the Comptroller, or such person or persons and in such manner as the Board of Estimates, in the exercise of the power vested in it by Article V, Section 5, of the Baltimore City Charter, may hereafter from time to time designate, is or are au-



thorized to acquire on behalf of the Mayor and City Council of Baltimore and for the purposes described in this ordinance, the fee simple interest or any lesser interest in and to the properties or portions thereof hereinabove mentioned. If the said Real Estate Acquisition Division of the Department of the Comptroller, or such person or persons, and in such manner as the Board of Estimates in the exercise of the power vested in it by Article V, Section 5 of the Baltimore City Charter may hereafter from time to time designate, is or are unable to agree with the owner or owners on the purchase price for said properties or portions thereof, it or they shall forthwith notify the City Solicitor of Baltimore City, who shall thereupon institute in the name of the Mayor and City Council of Baltimore the necessary legal proceedings to acquire by condemnation the fee simple interest or any lesser interest in and to said properties or portions thereof.

SEC. 4. *And be it further ordained*, That an existing disposition lot shall be expanded, new disposition lots shall be created, and utility and drainage easements shall be designated, all as shown in the amended Urban Renewal Plan on Exhibit 3, Land Disposition Map, dated as revised 12/16/80. AND FURTHER REVISED 4/6/81.

SEC. 5. *And be it further ordained*, That the proposed land use changes shown in the amended Urban Renewal Plan on Exhibit 1, Land Use Plan Map, dated as revised 12/16/80, and the language in the amended Urban Renewal Plan under Sections B.1., Permitted LAND Uses, and B.2., Regulations, Controls and Restrictions, are hereby approved.

SEC. 6. *And be it further ordained*, That Appendix A of the amended Urban Renewal Plan shall be deleted and that the following Appendix and Exhibits are hereby approved: Appendix A, Properties for Acquisition and Disposition for Rehabilitation; Exhibit 1, Land Use Plan Map; Exhibit 2, Property Acquisition Map; Exhibit 3, Land Disposition Map; and Exhibit 4, Zoning Districts Map, all dated as revised 12/16/80. MAP AND EXHIBIT 4, ZONING DISTRICTS MAP, ALL DATED AS REVISED 12/16/80; AND EXHIBIT 2, PROPERTY AC-

QUISITION MAP AND EXHIBIT 3, LAND DISPOSITION MAP, DATED AS REVISED 12/16/80 AND FURTHER REVISED 4/6/81.

SEC. 7. *And be it further ordained*, That in whatever respect, if any, the said amended Renewal Plan approved hereby may not meet the requirements as to the content of a renewal plan or the procedures for the preparation, adoption, and approval of renewal plans, as provided in Article 13 of the Baltimore City Code (1976 Edition, as amended), the said requirements are hereby waived and the amended Renewal Plan approved hereby is exempted therefrom.

SEC. 8. *And be it further ordained*, That in the event it be judicially determined that any word, phrase, clause, sentence, paragraph, section or part in or of this ordinance, or the application thereof to any person or circumstances is invalid, the remaining provisions and the application of such provisions to other persons or circumstances shall not be affected thereby, the Mayor and City Council hereby declaring that they would have ordained the remaining provisions of this ordinance without the word, phrase, clause, sentence, paragraph, section or part, or the application thereof so held invalid.

SEC. 9. *And be it further ordained*, That in any case where a provision of this ordinance concerns the same subject matter as an existing provision of any zoning, building, electrical, plumbing, health, fire or safety ordinance or code or regulation, the applicable provisions concerned shall be construed so as to give effect to each; provided, however, that if such provisions are found to be in irreconcilable conflict, the provision which establishes the higher standard for the promotion of the public health and safety shall prevail. In any case where a provision of this ordinance is found to be in conflict with an existing provision of any other ordinance or code or regulation in force in the City of Baltimore which establishes a lower standard for the promotion and protection of the public health and safety, the provision of this ordinance shall prevail, and the other existing provision of such other

ordinance or code or regulation is hereby repealed to the extent that it may be found in conflict with this ordinance.

SEC. 10. *And be it further ordained*, That this ordinance shall take effect from the date of its passage.

Approved June 19, 1981.

WILLIAM DONALD SCHAEFER, *Mayor*.

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No. 343

(Council No. 572)

AN ORDINANCE concerning

URBAN RENEWAL—FINANCIAL DISTRICT—  
AMENDMENT NO. 1

FOR the purpose of amending the Urban Renewal Plan for the Financial District to, among other things: (1) provide for the closure of Cheapside Street between Lombard and Water Streets; and (2) to establish development areas within the former bed of Cheapside Street and to establish controls for the development thereon.

WHEREAS, an Urban Renewal Plan for the Financial District area was approved by the Mayor and City Council of Baltimore by Ordinance No. 373, dated June 28, 1977; and

WHEREAS, pursuant to Article 13 of the Baltimore City Code (1976 Edition, as amended), no substantial change or changes shall be made in any renewal plan, after approval by ordinance, without such change or changes first being adopted and approved in the same manner as set forth in said Article 13 for the approval of an urban renewal plan, namely the preparation of such change or changes by the Department of Housing and Community Development, the approval of such change or changes by the Director of the Department of Planning, and approval and adoption by an



ordinance of the Mayor and City Council of Baltimore after a public hearing in relation thereto, all in the manner set forth in said Article 13; and

WHEREAS, said Amendment No. 1 to the Urban Renewal Plan for the Financial District has been approved by the Director of the Department of Planning with respect to its conformity as to the Master Plan, the detailed location of any public improvements proposed in the amended Renewal Plan, its conformity to the rules and regulations for subdivisions, and its conformity to existing zoning districts; and said Amendment No. 1 to the Renewal Plan has been approved and recommended to the Mayor and City Council of Baltimore by the Commissioner of the Department of Housing and Community Development; now, therefore,

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That the amended Urban Renewal Plan for the Financial District, identified as "Financial District Urban Renewal Plan . . . revised to include Amendment No. 1", is hereby approved and the Clerk of the City Council is hereby directed to file a copy of said amended Urban Renewal Plan with the Department of Legislative Reference as a permanent public record and to make the same available for public inspection and information.

SEC. 2. *And be it further ordained*, That on Table of Contents following Exhibit D add Exhibit "E. Right-of-Way Adjustments".

SEC. 3. *And be it further ordained*, That on Page 3 of the Plan in Section B following paragraph 9. add new paragraph 10. as follows:

"10. To close Cheapside Street between Lombard and Water Streets to provide parking and opportunities for new development."

SEC. 4. *And be it further ordained*, That on Page 5 of the Plan in Section D paragraph 4. in the first sentence following the word "purchase", add a comma and delete the words "or by" and following the word "condemnation" delete the comma and add the words "or by street closing".

SEC. 5. *And be it further ordained*, That on Page 6 of the Plan in Section E paragraph 1, delete the words "to be" from the first sentence.

SEC. 6. *And be it further ordained*, That on Page 8 of the Plan in Section F paragraph 2. following Development Area 1, add the following:

*"Development Area 2A*

Commercial development including a surface parking lot will be permitted on Development Area 2A provided the parking lot is screened in accordance with the provisions of Section H, hereof.

*"Development Area 2B*

Development of commercial office space with parking within the structure shall be permitted on Development Area 2B provided such development, except for circulation elements and mechanical equipment, shall not exceed 80' above grade."

SEC. 7. *And be it further ordained*, That on Page 8 of the Plan in Section H after the word "discouraging" add a comma and the words "except in Development Area 2A,".

SEC. 8. *And be it further ordained*, That on Page 10 of the Plan at the end of Section L, add the following:

"Passage of Ordinances opening and closing Cheapside Street between Water and Lombard Streets as indicated on Exhibit E 'Right-of-Way Adjustments'."

SEC. 9. *And be it further ordained*, delete Exhibit B "Development Areas" and insert in lieu thereof "Exhibit B Development Areas as revised through October 1, 1980."

SEC. 10. *And be it further ordained*, add Exhibit E "Right-of-Way Adjustments".

SEC. 11. *And be it further ordained*, That this ordinance shall take effect from the date of its passage.

Approved June 19, 1981.

WILLIAM DONALD SCHAEFER, *Mayor*.

## No. 344

(Council No. 573)

AN ORDINANCE concerning

URBAN RENEWAL—PARK HEIGHTS—  
AMENDMENT NO. 5

FOR the purpose of amending the Renewal Plan for Park Heights, to, among other things:

(1) authorize the acquisition by purchase or by condemnation of certain properties for urban renewal purposes; (2) ~~revise the provisions regarding "Signs" contained in the Exterior Rehabilitation Standards which apply to all non-residential properties within the Pimlico Business Area, as established by Ordinance No. 148, dated September 3, 1980;~~ (3) provide penalties for violating these revised Exterior Rehabilitation Standards; ~~(4)~~ recommend zoning district changes and provide that the approval of said Amendment No. 5 shall not be construed as an enactment of these recommendations; ~~(5)~~ (3) recommend the closing of certain streets and/or alleys or portions thereof; ~~(6)~~ (4) change certain land uses; ~~(7)~~ (5) change the boundaries of certain existing disposition lots, create certain new disposition lots, and designate certain utility and/or access easements; ~~(8)~~ (6) add or revise standards and controls governing the development of existing or newly created disposition lots; ~~(9)~~ (7) revise certain exhibits and appendices attached to said Renewal Plan to indicate the changes provided herein; ~~(10)~~ (8) waive such requirements, if any, as to content or procedure for the preparation, adoption, and approval of renewal plans as set forth in Article 13 of the Baltimore City Code (1976 Edition, as amended), which the Renewal Plan for Park Heights may not meet; ~~(11)~~ (9) provide for the separability of the various parts and applications of this Ordinance; ~~(12)~~ (10) provide that where the provisions of this Ordinance shall conflict with any zoning, building, electrical, plumbing, health, fire or safety ordinance or code or regulation in force in the City of Baltimore, the provision which establishes the higher standard shall



prevail; and ~~(13)~~ (11) provide for an effective date hereof.

WHEREAS, the Urban Renewal Plan for Park Heights was approved by the Mayor and City Council of Baltimore by Ordinance 304, dated April 16, 1973 and last amended by Ordinance 148, dated September 3, 1980; and

WHEREAS, pursuant to Article 13 of the Baltimore City Code (1976 Edition, as amended), no substantial change or changes shall be made to any renewal plan, after approval by ordinance, without such change or changes first being adopted and approved in the same manner as set forth in said Article 13 for the approval of a renewal plan, namely the preparation of such change or changes by the Department of Housing and Community Development, the approval of such change or changes by the Director of the Department of Planning, and approval and adoption by an ordinance of the Mayor and City Council of Baltimore after a public hearing in relation thereto, all in the manner set forth in said Article 13; and

WHEREAS, extensive changes in the Renewal Plan make it infeasible to make line-by-line changes; therefore, the Department of Housing and Community Development has prepared an amended Renewal Plan for Park Heights, including all prior amendments to said Plan; and

WHEREAS, said amended Urban Renewal Plan for Park Heights has been approved by the Director of the Department of Planning with respect to its conformity as to the Master Plan, the detailed location of any public improvements proposed in the amended Renewal Plan, its conformity to the rules and regulations for subdivisions, and all zoning changes proposed in the amended Renewal Plan; and said amended Renewal Plan has been approved and recommended to the Mayor and City Council of Baltimore by the Commissioner of the Department of Housing and Community Development; now, therefore,

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That the amended Urban Renewal Plan for Park Heights, identified as "Urban Renewal Plan, Park Heights . . . revised to include Amendment No. 5, dated March 18, 1981 AND REVISED MAY 11, 1981" is hereby

approved and the Clerk of the City Council is hereby directed to file a copy of said amended Urban Renewal Plan with the Department of Legislative Reference as a permanent public record and make the same available for public inspection and information.

SEC. 2. *And be it further ordained*, That it is necessary to acquire, by purchase or by condemnation for urban renewal purposes, the fee simple interest or any lesser interest in and to certain properties or portions thereof, together with all right, title, interest and estate that the owner or owners of said property interests may have in all streets, alleys, ways or lanes, public or private, both abutting the whole area described and/or contained within the perimeter of said area, situate in Baltimore City, Maryland, and described as follows:

2911 W. Cold Spring Lane—that portion not authorized to be acquired by Ordinance 148, approved September 3, 1980

3400/02 Reisterstown Road

3404 Reisterstown Road

3406 Reisterstown Road

3408 Reisterstown Road

3410 Reisterstown Road

3412 Reisterstown Road

3414/18 Reisterstown Road

3420/34 Reisterstown Road

3436/38 Reisterstown Road

2710 Sequoia Avenue

2815 Suffolk Avenue

Lot 10, Block 3166, Section 31, Ward 15

Lot 11A, Block 3166, Section 31, Ward 15

Lot 13, Block 3257-A, Section 30, Ward 15

SEC. 3. *And be it further ordained*, That the Real Estate Acquisition Division of the Department of the Comptroller, or such person or persons and in such manner as the Board of Estimates, in the exercise of the power vested in it by Article V, Section 5, of the Baltimore City Charter, may

hereafter from time to time designate, is or are authorized to acquire on behalf of the Mayor and City Council of Baltimore and for the purposes described in this Ordinance, the fee simple interest or any lesser interest in and to the properties or portions thereof hereinabove mentioned. If the said Real Estate Acquisition Division of the Department of the Comptroller, or such person or persons, and in such manner as the Board of Estimates in the exercise of the power vested in it by Article V, Section 5 of the Baltimore City Charter may hereafter from time to time designate, is or are unable to agree with the owner or owners on the purchase price for said properties or portions thereof, it or they shall forthwith notify the City Solicitor of Baltimore City, who shall thereupon institute in the name of the Mayor and City Council the necessary legal proceedings to acquire by condemnation the fee simple interest or any lesser interest in and to said properties or portions thereof.

Sec. 4. *And be it further ordained*, That the provisions on Signs set forth in the amended Urban Renewal Plan under Appendix B, Section 2, Exterior Rehabilitation Standards, which apply to all non-residential properties in the Pimlico Business Area, shall be revised. Therefore, the provisions on Signs in Section 8 of Ordinance No. 148, approved September 3, 1980, on page 14, line 56 through page 17, line 61, are hereby amended to read as follows:

#### G. Signs

1. All existing and new signs shall be made to conform to this plan. *No signs other than those identifying the property where they are installed or identifying the use conducted therein shall be permitted. Advertising by material or product manufacturers shall not be permitted except as primary identification of an establishment. A logo (decorative initial, trademark, symbol, etc.) may also be used as part of the sign.*

All lighting and electrical elements such as wires, conduits, junction boxes, transformers, ballasts, switches and panel boxes shall be concealed from view as much as possible.



2. New flat signs shall be placed parallel to the building face and shall not project more than 12 inches from the surface of the building and shall not exceed in area three times the width in feet of the frontage of the building. In the case of corner properties, each facade is to be calculated separately as to size allowed for each. Flat signs shall be placed no higher than the bottom of the second story window where windows exist or 13 feet above grade level, whichever is lower.

With the approval of the Department of Housing and Community Development, this height limit may be waived in specific cases to allow for sign placement to coordinate design. A minimum of 18 inches clear space shall be provided between the side and top sign edges and the building/property lines.

Lettering applied to ground floor show windows or entrance doors shall not exceed two and one-half inches in height, and the text limited to identification of the business. Signs identifying the occupants shall be permitted at rear entrance doors, but shall not exceed six square feet in size, except where authorized by the Department of Housing and Community Development.

3. Marquees, other than for theatres in operation, and projecting signs shall not be permitted on any portion of any building.

4. Signs shall be constructed of metal, wood or plastic and shall be built and mounted in an attractive and workmanlike manner. Permitted sign types include:

- a. internally lit box signs;
- b. flat signs;
- c. free-standing, cut-out, metal letters; and
- d. painted signs on building surfaces.

In all cases, the type of sign and its location shall be harmonious in scale, color and style, with the building, and shall be approved by the Commissioner only upon submission and review of a scaled, descriptive drawing.

5. All sign trim colors shall be painted approved earth-tone colors.

6. Non-illuminated secondary signs shall be permitted for the identification of commercial tenants occupying the upper floors of a building. Such signs shall not exceed two (2) square feet in area and shall not project more than one inch beyond the surface of the building, nor shall they be placed higher than 13 feet above grade level.

*7. New roof top signs, new signs above the parapet of a building, new billboards, or new outdoor advertising signs painted or mounted on structures other than billboards, except as otherwise herein provided, shall not be permitted.*

**[7.]**8. Painted or inlaid signs on cloth awnings are permitted.

**[8.]**9. Flashing or moving signs other than barber poles or existing neon signs shall not be permitted.

All signs shall be lit in an acceptable manner such as is described below. Method of lighting shall be shown on drawings for signs.

(1) The following lighting methods are not permitted:

- (a) Exposed fluorescent lighting.
- (b) Exposed quartz or mercury vapor lamps.
- (c) Exposed incandescent lamps other than low wattage, purely decorative lighting.

(2) The following lighting methods are permitted:

- (a) Fully recessed downlights or wallwashers in projecting metal box. Box must run full length of storefront at top of sign area.
- (b) Shielded fluorescent lamps with diffusers in projecting metal box. Box must run full length of storefront at top of sign zone.
- (c) Decorative spot light. Housing to prevent glare at pedestrian eyeline.
- (d) Internally illuminated or back-lit (halo) letters.

**[9.]**10. All signs not conforming to the above regulations shall be removed within two years from the date

of enactment of the ordinance approving Amendment No. 4 to the Renewal Plan~~[.]~~, *except billboards larger than sixty square feet. Billboards larger than sixty square feet shall be removed when work to comply with these Exterior Rehabilitation Standards has begun on 75% of the properties in the Pimlico Business Area and when the following three City-administered improvement contracts in the Pimlico Business Area have been finally accepted as complete by the City:*

a. *Paton Avenue Parking Lot, as authorized by Ordinance 1201, approved November 30, 1979.*

b. *Spaulding Avenue Parking Lot, as authorized by Ordinance 145, approved September 2, 1980.*

c. *Sidewalk Improvements, to include curbs, street trees, street lights, and traffic signal poles located in all or parts of the 5000, 5100, and 5200 blocks of Park Heights Avenue and in parts of the 3100 and 3200 blocks of W. Belvedere Avenue.*

Future minor privilege permits for signs shall be issued only for those signs meeting project design criteria.

~~[10.]~~11. No private signs shall be permitted except as herein provided or as otherwise authorized by the Department of Housing and Community Development for temporary purposes not exceeding thirty days.

~~[11.]~~12. Each store is required to display a postal address number on the storefront. The number shall be used in conjunction with the Pimlico logo. Number size, style, location and design shall be approved by the Commissioner.

~~[12.]~~13. Canvas banners projecting 90 degrees from the building spaced regularly along the street and displaying the Pimlico Business Area logo will be permitted. The size, height from the ground, and hanging detail shall be consistent throughout the business area and must be approved by the Commissioner.

Sec. 5. *And be it further ordained, That any person guilty of violating the provisions contained in Section 4 of this Ordinance shall be guilty of a misdemeanor and shall be subject to a fine not exceeding One Hundred*



~~Dollars (\$100.00) and that each day's violation shall constitute a separate offense.~~

SEC. ~~6.~~ 4. *And be it further ordained,* That the approval of Amendment No. 5 to the Urban Renewal Plan for Park Heights shall not be construed as an enactment of the amendments to the Zoning Ordinance of Baltimore City that are proposed in said Amendment No. 5, as shown in the amended Urban Renewal Plan on Exhibit 4—Zoning Districts Map, dated as revised March 18, 1981.

SEC. ~~7.~~ 5. *And be it further ordained,* That certain streets and/or alleys or portions thereof are recommended to be closed as shown on Exhibit 1—General Land Use Plan Map, ~~Exhibit 2—Property Acquisition Map, and Exhibit 3—Land Disposition Map, all dated as revised March 18, 1981.~~ MAP, AND EXHIBIT 2—PROPERTY ACQUISITION MAP, DATED AS REVISED MARCH 18, 1981 AND EXHIBIT 3—LAND DISPOSITION MAP, DATED AS REVISED MAY 11, 1981.

SEC. ~~8.~~ 6. *And be it further ordained,* That the proposed land use changes shown in the amended Urban Renewal Plan on Exhibit 1—General Land Use Plan Map, dated as revised March 18, 1981, are hereby approved.

SEC. ~~9.~~ 7. *And be it further ordained,* That the boundaries of certain existing disposition lots shall be modified, new disposition lots shall be created and utility and/or access easements shall be designated, all as shown in the amended Urban Renewal Plan on Exhibit 3—Land Disposition Map, dated as revised ~~March 18, 1981~~ MAY 11, 1981.

SEC. ~~10.~~ 8. *And be it further ordained,* That the revised standards and controls for certain existing disposition lots and the added standards and controls for newly created disposition lots, as contained in the amended Urban Renewal Plan under Section E.1. entitled "Standards and Controls on Land to be Disposed of", REVISED MAY 11, 1981, are hereby approved.

SEC. ~~11.~~ 9. *And be it further ordained,* That the following revised ~~Appendices and~~ Exhibits are hereby approved:

~~Appendix B, Section 2, entitled Exterior Rehabilitation Standards for the Pimlico Business Area; Exhibit 1—General Land Use Plan Map; Exhibit 2—Property Acquisition Map; Exhibit 3—Land Disposition Map; and Exhibit 4—Zoning Districts Map; all dated as revised March 18, 1981. QUISITION MAP; AND EXHIBIT 4—ZONING DISTRICTS MAP—ALL DATED AS REVISED MARCH 18, 1981 AND EXHIBIT 3—LAND DISPOSITION MAP, DATED AS REVISED MAY 11, 1981.~~

SEC. 12. 10. *And be it further ordained*, That in whatever respect, if any, the said amended Renewal Plan approved hereby may not meet the requirements as to the content of a renewal plan or the procedures for the preparation, adoption, and approval of renewal plans, as provided in Article 13 of the Baltimore City Code (1976 Edition, as amended), the said requirements are hereby waived and the amended Renewal Plan approved hereby is exempted therefrom.

SEC. 13. 11. *And be it further ordained*, That in the event it be judicially determined that any word, phrase, clause, sentence, paragraph, section or part in or of this Ordinance, or the application thereof to any person or circumstances is invalid, the remaining provisions and the application of such provisions to other persons or circumstances shall not be affected thereby, the Mayor and City Council hereby declaring that they would have ordained the remaining provisions of this Ordinance without the word, phrase, clause, sentence, paragraph, section or part, or the application thereof so held invalid.

SEC. 14. 12. *And be it further ordained*, That in any case where a provision of this Ordinance concerns the same subject matter as an existing provision of any zoning, building, electrical, plumbing, health, fire or safety ordinance or code or regulation, the applicable provisions concerned shall be construed so as to give effect to each; provided, however that if such provisions are found to be in irreconcilable conflict, the provision which establishes the higher standard for the promotion of the public health and safety shall prevail. In any case where a provision of

this Ordinance is found to be in conflict with an existing provision of any other ordinance or code or regulation in force in the City of Baltimore which establishes a lower standard for the promotion and protection of the public health and safety, the provision of this Ordinance shall prevail, and the other existing provision of such other ordinance or code or regulation is hereby repealed to the extent that it may be found in conflict with this ordinance.

SEC. ~~15~~. 13. *And be it further ordained*, That this Ordinance shall take effect from the date of its passage.

Approved June 19, 1981.

WILLIAM DONALD SCHAEFER, *Mayor*.

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No. 345

(Council No. 592)

AN ORDINANCE concerning

SUPPLEMENTARY APPROPRIATION—  
DEPARTMENT OF SOCIAL SERVICES

FOR the purpose of providing a supplementary special fund appropriation in the amount of Twenty-Five Million Dollars (\$25,000,000) to the Department of Social Services to be used for rendering public assistance to needy citizens of Baltimore City.

BY authority of

Article VI—Board of Estimates

Section 2(h) (2)

Baltimore City Charter (1964 Revision as amended)

WHEREAS, the money appropriated herein represents a grant from a public source which could not be expected with reasonable certainty at the time of formulation of the fiscal 1981 Ordinance of Estimates; and

WHEREAS, the supplementary special fund appropriation ordained herein has been recommended to the City Council



by the Board of Estimates, the said recommendation having been made at a regular meeting of said Board held on the 8th day of April, 1981, all in accordance with Article VI, Section 2(h) (2) of the Baltimore City Charter (1964 Revision as amended).

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That under the provisions of Article VI, Section 2(h) (2) of the 1964 revision of the Charter of Baltimore City, the sum of Twenty-Five Million Dollars (\$25,000,000) shall be made available to the Department of Social Services of the City of Baltimore as a supplementary special fund appropriation for the fiscal year ending June 30, 1981 for the purpose of rendering public assistance to needy citizens of Baltimore City. The amount thus made available as a supplementary special fund appropriation shall be expended from a grant of funds to the Mayor and City Council of Baltimore by the State Department of Human Resources, said sum being specifically allotted to the Mayor and City Council of Baltimore for the aforesaid purpose; and said funds from said State Department of Human Resources shall be the source of revenue for this supplementary special fund appropriation, as required by Article VI, Section 2 of the Baltimore City Charter (1964 Revision as amended).

SEC. 2. *And be it further ordained*, That this ordinance shall take effect from the date of its passage.

Approved June 19, 1981.

WILLIAM DONALD SCHAEFER, *Mayor*.

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No. 346

(Council No. 593)

AN ORDINANCE concerning

SUPPLEMENTARY APPROPRIATION—  
CIVIL SERVICE COMMISSION

FOR the purpose of providing a supplementary special fund appropriation in the amount of Twenty-Eight Thou-

sand One Hundred Twelve Dollars (\$28,112) to the Civil Service Commission to be used for studying the feasibility of automating Commission Administrative Support Services.

BY authority of

Article VI—Board of Estimates

Section 2(h) (2)

Baltimore City Charter (1964 Revision as amended)

WHEREAS, the money appropriated herein represents a grant from a public source which could not be expected with reasonable certainty at the time of formulation of the fiscal 1981 Ordinance of Estimates; and

WHEREAS, the supplementary special fund appropriation ordained herein has been recommended to the City Council by the Board of Estimates, the said recommendation having been made at a regular meeting of said Board held on the 8th day of April, 1981, all in accordance with Article VI, Section 2(h) (2) of the Baltimore City Charter (1964 Revision as amended).

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That under the provisions of Article VI, Section 2(h) (2) of the 1964 revision of the Charter of Baltimore City, the sum of Twenty-Eight Thousand One Hundred Twelve Dollars (\$28,112) shall be made available to the Civil Service Commission of the City of Baltimore as a supplementary special fund appropriation for the fiscal year ending June 30, 1981 for the purpose of studying the feasibility of automating Commission Administrative Support Services. The amount thus made available as a supplementary special fund appropriation shall be expended from a grant of funds to the Mayor and City Council of Baltimore by the State Department of Economic and Community Development under the federal Intergovernmental Personnel Act, said sum being specifically allotted to the Mayor and City Council of Baltimore for the aforesaid purpose; and said funds from said State Department of Economic and Community Development shall be the source of revenue for this supplementary special fund appropriation, as required by Article VI, Section 2 of the Baltimore City Charter (1964 Revision as amended).

SEC. 2. *And be it further ordained*, That this ordinance shall take effect from the date of its passage.

Approved June 19, 1981.

WILLIAM DONALD SCHAEFER, *Mayor*.

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No. 347

(Council No. 594)

AN ORDINANCE concerning

SUPPLEMENTARY APPROPRIATION—  
DEPARTMENT OF SOCIAL SERVICES

FOR the purpose of providing a supplementary general fund appropriation in the amount of One Hundred Thirty-three Thousand Dollars (\$133,000) to the Department of Social Services to be used for additional operating expenses of the Cylburn Home which could not reasonably be anticipated at the time of formulation of the proposed fiscal 1981 Ordinance of Estimates.

BY authority of

Article VI—Board of Estimates

Section 2(h)(3)

Baltimore City Charter (1964 Revision as amended)

WHEREAS, the money appropriated herein represents revenue produced by State Department of Human Resources assistance payments for children in excess of the amount from this source estimated and relied upon by the Board of Estimates in determining the tax levy required to balance the budget for the 1981 fiscal year, and said money is therefore available for appropriation to the Department of Social Services pursuant to the provisions of Article VI, Section 2(h)(3) of the Baltimore City Charter (1964 Revision as amended); and

WHEREAS, the additional sum here appropriated is for a program included in the current principal Ordinance of Estimates and is made necessary by a material change in circumstances since the formulation and adoption of such



Ordinance, in accordance with Article VI, Section 2(h) (3) of said Charter; and

WHEREAS, the supplementary general fund appropriation ordained herein has been recommended to the City Council by the Board of Estimates, said recommendation having been made at a regular meeting of said Board held on the 8th day of April, 1981, all in accordance with Article VI, Section 2(h) (3) of said Charter.

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That under the provisions of Article VI, Section 2 of the 1964 revision of the Charter of Baltimore City, the sum of One Hundred Thirty-three Thousand Dollars (\$133,000) shall be made available to the Department of Social Services as a supplementary general fund appropriation for the fiscal year ending June 30, 1981, for the purpose of additional operating expenses of the Cylburn Home which could not reasonably be anticipated at the time of formulation of the proposed fiscal 1981 Ordinance of Estimates. The amount thus made available as a supplementary general fund appropriation shall be expended from revenue derived from State Department of Human Resources assistance payments for children in excess of the amount from this source which was estimated or relied upon by the Board of Estimates in determining the tax levy required to balance the budget for the 1981 fiscal year; and said funds from said State Department of Human Resources assistance payments for children shall be the source of revenue for this supplementary general fund appropriation, as required by Article VI, Section 2 of the Baltimore City Charter (1964 Revision as amended).

SEC. 2. *And be it further ordained*, That this ordinance shall take effect from the date of its passage.

Approved June 19, 1981.

WILLIAM DONALD SCHAEFER, *Mayor*.

No. 348

(Council No. 603)

AN ORDINANCE concerning

SUPPLEMENTARY APPROPRIATION—  
DEPARTMENT OF HOUSING AND  
COMMUNITY DEVELOPMENT

FOR the purpose of providing a supplementary general fund appropriation in the amount of Forty-Nine Thousand Dollars (\$49,000) to the Department of Housing and Community Development to be used for additional operating expenses of the Inner Harbor Shoreline Activity which could not reasonably be anticipated at the time of formulation of the proposed fiscal 1981 Ordinance of Estimates.

BY authority of

Article VI—Board of Estimates

Section 2(h) (3)

Baltimore City Charter (1964 Revision as amended)

WHEREAS, the money appropriated herein represents revenue produced by Rental of Harbor Shoreline in excess of the amount from this source estimated and relied upon by the Board of Estimates in determining the tax levy required to balance the budget for the 1981 fiscal year, and said money is therefore available for appropriation to the Department of Housing and Community Development pursuant to the provisions of Article VI, Section 2(h) (3) of the Baltimore City Charter (1964 Revision as amended); and

WHEREAS, the additional sum here appropriated is for a program included in the current principal Ordinance of Estimates and is made necessary by a material change in circumstances since the formulation and adoption of such Ordinance, in accordance with Article VI, Section 2(h) (3) of said Charter; and

WHEREAS, the supplementary general fund appropriation ordained herein has been recommended to the City Council by the Board of Estimates, said recommendation having been made at a regular meeting of said Board held on the

15th day of April, 1981, all in accordance with Article VI, Section 2(h) (3) of said Charter.

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That under the provisions of Article VI, Section 2 of the 1964 revision of the Charter of Baltimore City, the sum of Forty-Nine Thousand Dollars (\$49,000) shall be made available to the Department of Housing and Community Development as a supplementary general fund appropriation for the fiscal year ending June 30, 1981, for the purpose of additional operating expenses of the Inner Harbor Shoreline Activity which could not reasonably be anticipated at the time of formulation of the proposed fiscal 1981 Ordinance of Estimates. The amount thus made available as a supplementary general fund appropriation shall be expended from revenue derived from Rental of Harbor Shoreline in excess of the amount from this source which was estimated or relied upon by the Board of Estimates in determining the tax levy required to balance the budget for the 1981 fiscal year; and said funds from said Rental of Harbor Shoreline shall be the source of revenue for this supplementary general fund appropriation, as required by Article VI, Section 2 of the Baltimore City Charter (1964 Revision as amended).

SEC. 2. *And be it further ordained*, That this ordinance shall take effect from the date of its passage.

Approved June 19, 1981.

WILLIAM DONALD SCHAEFER, *Mayor*.

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No. 349

(Council No. 614)

AN ORDINANCE concerning

SUPPLEMENTARY APPROPRIATION—BOARD  
OF SUPERVISORS OF ELECTIONS

FOR the purpose of providing a supplementary general fund appropriation in the amount of Twenty-Six Thou-



sand Dollars (\$26,000) to the Board of Supervisors of Elections to be used for additional operating expenses which could not reasonably be anticipated at the time of formulation of the proposed fiscal 1981 Ordinance of Estimates.

BY authority of

Article VI—Board of Estimates

Section 2(h) (3)

Baltimore City Charter (1964 Revision as amended)

WHEREAS, the money appropriated herein represents revenue produced by Interest on Gambling/Drug Contraband Money in excess of the amount from this source estimated and relied upon by the Board of Estimates in determining the tax levy required to balance the budget for the 1981 fiscal year, and said money is therefore available for appropriation to the Board of Supervisors of Elections pursuant to the provisions of Article VI, Section 2(h) (3) of the Baltimore City Charter (1964 Revision as amended); and

WHEREAS, the additional sum here appropriated is for a program included in the current principal Ordinance of Estimates and is made necessary by a material change in circumstances since the formulation and adoption of such Ordinance, in accordance with Article VI, Section 2(h) (3) of said Charter; and

WHEREAS, the supplementary general fund appropriation ordained herein has been recommended to the City Council by the Board of Estimates, said recommendation having been made at a regular meeting of said Board held on the 22nd day of April, 1981, all in accordance with Article VI, Section 2(h) (3) of said Charter.

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That under the provisions of Article VI, Section 2(h) (3) of the 1964 revision of the Charter of Baltimore City, the sum of Twenty-Six Thousand Dollars (\$26,000) shall be made available to the Board of Supervisors of Elections as a supplementary general fund appropriation for the fiscal year ending June 30, 1981, for the purpose of additional operating expenses which could not

reasonably be anticipated at the time of formulation of the proposed fiscal 1981 Ordinance of Estimates. The amount thus made available as a supplementary general fund appropriation shall be expended from revenue derived from Interest on Gambling/Drug Contraband Money in excess of the amount from this source which was estimated or relied upon by the Board of Estimates in determining the tax levy required to balance the budget for the 1981 fiscal year; and said funds from said Interest on Gambling/Drug Contraband Money shall be the source of revenue for this supplementary general fund appropriation, as required by Article VI, Section 2 of the Baltimore City Charter (1964 Revision as amended).

SEC. 2. *And be it further ordained*, That this ordinance shall take effect from the date of its passage.

Approved June 19, 1981.

WILLIAM DONALD SCHAEFER, *Mayor*.

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No. 350

(Council No. 615)

AN ORDINANCE concerning

SUPPLEMENTARY APPROPRIATION—  
OFFICE OF OCCUPATIONAL MEDICINE  
AND SAFETY

FOR the purpose of providing a supplementary general fund appropriation in the amount of Thirty Thousand Dollars (\$30,000) to the Office of Occupational Medicine and Safety to be used for additional operating expenses which could not reasonably be anticipated at the time of formulation of the proposed fiscal 1981 Ordinance of Estimates.

BY authority of

Article VI—Board of Estimates

Section 2(h) (3)

Baltimore City Charter (1964 Revision as amended)

WHEREAS, the money appropriated herein represents revenue produced by Interest on Gambling/Drug Contraband Money in excess of the amount from this source estimated and relied upon by the Board of Estimates in determining the tax levy required to balance the budget for the 1981 fiscal year, and said money is therefore available for appropriation to the Office of Occupational Medicine and Safety pursuant to the provisions of Article VI, Section 2(h) (3) of the Baltimore City Charter (1964 Revision as amended) ; and

WHEREAS, the additional sum here appropriated is for a program included in the current principal Ordinance of Estimates and is made necessary by a material change in circumstances since the formulation and adoption of such Ordinance, in accordance with Article VI, Section 2(h) (3) of said Charter; and

WHEREAS, the supplementary general fund appropriation ordained herein has been recommended to the City Council by the Board of Estimates, said recommendation having been made at a regular meeting of said Board held on the 22nd day of April, 1981, all in accordance with Article VI, Section 2(h) (3) of said Charter.

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That under the provisions of Article VI, Section 2(h) (3) of the 1964 revision of the Charter of Baltimore City, the sum of Thirty Thousand Dollars (\$30,000) shall be made available to the Office of Occupational Medicine and Safety as a supplementary general fund appropriation for the fiscal year ending June 30, 1981, for the purpose of additional operating expenses which could not reasonably be anticipated at the time of formulation of the proposed fiscal 1981 Ordinance of Estimates. The amount thus made available as a supplementary general fund appropriation shall be expended from revenue derived from Interest on Gambling/Drug Contraband Money in excess of the amount from this source which was estimated or relied upon by the Board of Estimates in determining the tax levy required to balance the budget for the 1981 fiscal year; and said funds from said Interest on Gambling/Drug Contraband Money shall be the source of revenue for this



supplementary general fund appropriation, as required by Article VI, Section 2 of the Baltimore City Charter (1964 Revision as amended).

SEC. 2. *And be it further ordained*, That this Ordinance shall take effect from the date of its passage.

Approved June 19, 1981.

WILLIAM DONALD SCHAEFER, *Mayor*.

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No. 351

(Council No. 644)

AN ORDINANCE concerning

SUPPLEMENTARY APPROPRIATION—  
DEPARTMENT OF PUBLIC WORKS

FOR the purpose of providing a supplementary motor vehicle fund appropriation in the amount of One Million Three Hundred Thousand Dollars (\$1,300,000) to the Department of Public Works to be used for additional operating expenses which could not reasonably be anticipated at the time of formulation of the proposed fiscal 1981 Ordinance of Estimates.

BY authority of

Article VI—Board of Estimates

Section 2(h)(3)

Baltimore City Charter (1964 Revision as amended)

WHEREAS, the money appropriated herein represents revenue produced by State-shared Highway User Taxes in prior years in excess of the revenue from this source which was estimated and relied upon by the Board of Estimates in determining the tax levy required to balance the budget for the fiscal year 1981 and is therefore available for appropriation to the Department of Public Works pursuant to the provisions of Article VI, Section 2(h)(3) of the 1964 revised Charter of Baltimore City; and

WHEREAS, the additional sum here appropriated is for a program included in the current Ordinance of Estimates and said sum is made necessary by a material change in circumstances since the formulation and adoption of such ordinance, in accordance with Article VI, Section 2(h)(3) of said Charter; and

WHEREAS, the supplementary motor vehicle fund appropriation ordained herein has been recommended to the City Council by the Board of Estimates, said recommendation having been made at a regular meeting of said Board held on the 29th day of April, 1981, all in accordance with Article VI, Section 2(h)(3) of said Charter.

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That under the provisions of Article VI, Section 2 of the 1964 revision of the Charter of Baltimore City as amended, the sum of One Million Three Hundred Thousand Dollars (\$1,300,000) shall be made available to the Department of Public Works as a supplementary motor vehicle fund appropriation for the fiscal year ending June 30, 1981, for the purpose of additional operating expenses which could not reasonably be anticipated at the time of formulation of the proposed fiscal 1981 Ordinance of Estimates. The amount thus made available as a supplementary motor vehicle fund appropriation shall be expended from revenue derived from State-shared Highway User Taxes in prior years in excess of the amount from this source which was estimated and relied upon by the Board of Estimates in determining the tax levy required to balance the budget for the 1981 fiscal year; and said funds shall be the source of revenue for this supplementary motor vehicle fund appropriation, as required by Article VI, Section 2 of the Baltimore City Charter (1964 Revision as amended).

Provided that said sum of One Million Three Hundred Thousand Dollars (\$1,300,000) shall be appropriated as follows:

|                                                      |       |           |
|------------------------------------------------------|-------|-----------|
| Program 500, Street Lighting                         | ----- | \$558,000 |
| Program 501, Public Streets,<br>Bridges and Highways | ---   | \$742,000 |

SEC. 2. *And be it further ordained*, That this ordinance shall take effect from the date of its passage.

Approved June 19, 1981.

WILLIAM DONALD SCHAEFER, *Mayor*.

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No. 352

(Council No. 645)

AN ORDINANCE concerning

SUPPLEMENTARY APPROPRIATION—  
DEPARTMENT OF PUBLIC WORKS

FOR the purpose of providing a supplementary general fund appropriation in the amount of Two Million Eight Hundred Thousand Dollars (\$2,800,000) to the Department of Public Works to be used for additional operating expenses which could not reasonably be anticipated at the time of formulation of the proposed fiscal 1981 Ordinance of Estimates.

BY authority of

Article VI—Board of Estimates

Section 2(h)(3)

Baltimore City Charter (1964 Revision as amended)

WHEREAS, the money appropriated herein represents revenue produced by Earnings on Investments and by Charges for Private Refuse Disposal in excess of the revenue estimated and relied upon by the Board of Estimates in determining the tax levy required to balance the budget for the fiscal year 1981 and is therefor available for appropriation to the Department of Public Works pursuant to the provisions of Article VI, Section 2(h)(3) of the 1964 revised Charter of Baltimore City; and

WHEREAS, the additional sum here appropriated is for a program included in the current Ordinance of Estimates



and said sum is made necessary by a material change in circumstances since the formulation and adoption of such ordinance, in accordance with Article VI, Section 2(h)(3) of said Charter; and

WHEREAS, the supplementary general fund appropriation ordained herein has been recommended to the City Council by the Board of Estimates, said recommendation having been made at a regular meeting of said Board held on the 29th day of April, 1981, all in accordance with Article VI, Section 2(h)(3) of said Charter.

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That under the provisions of Article VI, Section 2 of the 1964 revision of the Charter of Baltimore City as amended, the sum of Two Million Eight Hundred Thousand Dollars (\$2,800,000) shall be made available to the Department of Public Works as a supplementary general fund appropriation for the fiscal year ending June 30, 1981, for the purpose of additional operating expenses which could not reasonably be anticipated at the time of formulation of the proposed fiscal 1981 Ordinance of Estimates. The amount thus made available as a supplementary general fund appropriation shall be expended from revenue derived from Earnings on Investments and from Charges for Private Refuse Disposal in the amounts of Six Hundred Thousand Dollars (\$600,000) and Two Million Two Hundred Thousand Dollars (\$2,200,000) respectively, said amounts being in excess of the amounts from these sources which were estimated and relied upon by the Board of Estimates in determining the tax levy required to balance the budget for the 1981 fiscal year; and said funds shall be the sources of revenue for this supplementary general fund appropriation, as required by Article VI, Section 2 of the Baltimore City Charter (1964 Revision as amended).

Provided that said sum of Two Million Eight Hundred Thousand Dollars (\$2,800,000) shall be appropriated as follows:

|                                     |       |            |
|-------------------------------------|-------|------------|
| Program 196, Special Services       | ----- | \$ 600,000 |
| Program 515, Solid Waste Collection | ----  | 1,200,000  |
| Program 516, Solid Waste Disposal   | ----- | 1,000,000  |

SEC. 2. *And be it further ordained*, That this ordinance shall take effect from the date of its passage.

Approved June 19, 1981.

WILLIAM DONALD SCHAEFER, *Mayor*.

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No. 353

(Council No. 646)

AN ORDINANCE concerning

SUPPLEMENTARY APPROPRIATION—  
COMMUNITY COLLEGE OF BALTIMORE

FOR the purpose of providing a supplementary general fund appropriation in the amount of One Hundred Ninety-nine Thousand Seven Hundred Sixty-three Dollars (\$199,763) to the Community College of Baltimore to be used for additional operating expenses.

BY authority of

Article VI—Board of Estimates

Section 2(h) (3)

Baltimore City Charter (1964 Revision as amended)

WHEREAS, the money appropriated herein represents revenue produced by State Aid for the Community College in excess of the amount from this source which was estimated and relied upon by the Board of Estimates in determining the tax levy required to balance the budget for the 1981 fiscal year, and said money is therefore available for appropriation to the Community College of Baltimore pursuant to the provisions of Article VI, Section 2(h) (3) of the Baltimore City Charter (1964 Revision as amended); and

WHEREAS, the additional sum here appropriated is for a program included in the current principal Ordinance of Estimates and is made necessary by a material change in circumstances since the formulation and adoption of such ordinance, in accordance with Article VI, Section 2(h) (3) of said Charter; and

WHEREAS, the supplementary general fund appropriation ordained herein has been recommended to the City Council by the Board of Estimates, said recommendation having been made at a regular meeting of said Board held on the 29th day of April, 1981, all in accordance with Article VI, Section 2(h) (3) of said Charter.

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That under the provisions of Article VI, Section 2(h) (3) of the 1964 revision of the Charter of Baltimore City, as amended, the sum of One Hundred Ninety-nine Thousand Seven Hundred Sixty-three Dollars (\$199,763) shall be made available to the Community College of Baltimore as a supplementary general fund appropriation for the fiscal year ending June 30, 1981, for the purpose of additional operating expenses. The amount thus made available as a supplementary general fund appropriation shall be expended from revenue derived from State Aid for the Community College in excess of the amount from this source which was estimated or relied upon in determining the tax levy required to balance the budget for the 1981 fiscal year; and said funds from said State Aid for the Community College shall be the source of revenue for this supplementary general fund appropriation, as required by Article VI, Section 2(h) (3) of the Baltimore City Charter (1964 Revision as amended).

SEC. 2. *And be it further ordained*, That this ordinance shall take effect from the date of its passage.

Approved June 19, 1981.

WILLIAM DONALD SCHAEFER, *Mayor*.

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No. 354

(Council No. 647)

AN ORDINANCE concerning

SUPPLEMENTARY APPROPRIATION—JAIL BOARD

FOR the purpose of providing a supplementary general fund appropriation in the amount of Seven Hundred



Seventy-two Thousand Dollars (\$772,000) to the Jail Board to be used for additional operating expenses which could not reasonably be anticipated at the time of formulation of the proposed fiscal 1981 Ordinance of Estimates.

BY authority of

Article VI—Board of Estimates

Section 2(h) (3)

Baltimore City Charter (1964 Revision as amended)

WHEREAS, the money appropriated herein represents revenue produced by Interest Earnings on Investments in excess of the amount from this source estimated and relied upon by the Board of Estimates in determining the tax levy required to balance the budget for the 1981 fiscal year, and said money is therefore available for appropriation to the Jail Board pursuant to the provisions of Article VI, Section 2(h) (3) of the Baltimore City Charter (1964 Revision as amended); and

WHEREAS, the additional sum here appropriated is for a program included in the current principal Ordinance of Estimates and is made necessary by a material change in circumstances since the formulation and adoption of such Ordinance, in accordance with Article VI, Section 2(h) (3) of said Charter; and

WHEREAS, the supplementary general fund appropriation ordained herein has been recommended to the City Council by the Board of Estimates, said recommendation having been made at a regular meeting of said Board held on the 29th day of April, 1981, all in accordance with Article VI, Section 2(h) (3) of said Charter.

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That under the provisions of Article VI, Section 2(h) (3) of the 1964 revision of the Charter of Baltimore City, the sum of Seven Hundred Seventy-two Thousand Dollars (\$772,000) shall be made available to the Jail Board as a supplementary general fund appropriation for the fiscal year ending June 30, 1981, for the purpose of additional operating expenses which could not reasonably be anticipated at the time of formulation of the proposed fiscal 1981 Ordinance of Estimates. The amount thus made available as a supplementary general fund appropriation

shall be expended from revenue derived from Interest Earnings on Investments in excess of the amount from this source which was estimated or relied upon by the Board of Estimates in determining the tax levy required to balance the budget for the 1981 fiscal year; and said funds from said Interest Earnings on Investments shall be the source of revenue for this supplementary general fund appropriation, as required by Article VI, Section 2 of the Baltimore City Charter (1964 Revision as amended).

SEC. 2. *And be it further ordained*, That this ordinance shall take effect from the date of its passage.

Approved June 19, 1981.

WILLIAM DONALD SCHAEFER, *Mayor*.

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No. 355

(Council No. 648)

AN ORDINANCE concerning

PARKING—RESERVED

FOR the purpose of repealing Ordinance No. 283 approved February 16, 1977, rescinding reserved parking on Maryland Avenue near 23rd Street for Sandra B. Dackman.

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That Ordinance 283, approved February 16, 1977, be and the same is hereby repealed.

SEC. 2. *And be it further ordained*, That this ordinance shall take effect on the date of its passage.

Approved June 19, 1981.

WILLIAM DONALD SCHAEFER, *Mayor*.

No. 356

(Council No. 649)

AN ORDINANCE concerning

## PARKING—RESERVED

FOR the purpose of providing for reserved parking on 23rd Street near Maryland Avenue for Sandra B. Dackman.

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That the south side of 23rd Street from Maryland Avenue to a point 42 feet therefrom, parking is reserved for Sandra B. Dackman.

SEC. 2. *And be it further ordained*, That this ordinance shall take effect on the date of its passage.

Approved June 19, 1981.

WILLIAM DONALD SCHAEFER, *Mayor*.

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No. 357

(Council No. 656)

AN ORDINANCE concerning

SUPPLEMENTARY APPROPRIATION—  
CIVIL SERVICE COMMISSION

FOR the purpose of providing a supplementary general fund appropriation in the amount of Twenty-Five Thousand Dollars (\$25,000) to the Civil Service Commission to be used for additional operating expenses which could not reasonably be anticipated at the time of formulation of the proposed fiscal 1981 Ordinance of Estimates.

BY authority of

Article VI—Board of Estimates

Section 2(h) (3)

Baltimore City Charter (1964 Revision as amended)



WHEREAS, the money appropriated herein represents revenue produced by Mechanical Equipment Permit Fees in excess of the amount from this source estimated and relied upon by the Board of Estimates in determining the tax levy required to balance the budget for the 1981 fiscal year, and said money is therefore available for appropriation to the Civil Service Commission pursuant to the provisions of Article VI, Section 2(h) (3) of the Baltimore City Charter (1964 Revision as amended); and

WHEREAS, the additional sum here appropriated is for a program included in the current principal Ordinance of Estimates and is made necessary by a material change in circumstances since the formulation and adoption of such Ordinance, in accordance with Article VI, Section 2(h) (3) of said Charter; and

WHEREAS, the supplementary general fund appropriation ordained herein has been recommended to the City Council by the Board of Estimates, said recommendation having been made at a regular meeting of said Board held on the 6th day of May, 1981, all in accordance with Article VI, Section 2(h) (3) of said Charter.

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That under the provisions of Article VI, Section 2(h) (3) of the 1964 revision of the Charter of Baltimore City, the sum of Twenty-Five Thousand Dollars (\$25,000) shall be made available to the Civil Service Commission as a supplementary general fund appropriation for the fiscal year ending June 30, 1981, for the purpose of additional operating expenses which could not reasonably be anticipated at the time of formulation of the proposed fiscal 1981 Ordinance of Estimates. The amount thus made available as a supplementary general fund appropriation shall be expended from revenue derived from Mechanical Equipment Permit Fees in excess of the amount from this source which was estimated or relied upon by the Board of Estimates in determining the tax levy required to balance the budget for the 1981 fiscal year; and said funds from said Mechanical Equipment Permit Fees shall be the source of revenue for this supplementary general fund appropriation, as required by Article VI, Section 2 of the Baltimore City Charter (1964 Revision as amended).

SEC. 2. *And be it further ordained*, That this ordinance shall take effect from the date of its passage.

Approved June 19, 1981.

WILLIAM DONALD SCHAEFER, *Mayor*.

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No. 358

(Council No. 657)

AN ORDINANCE concerning

SUPPLEMENTARY APPROPRIATION—  
SUPREME BENCH

FOR the purpose of providing a supplementary general fund appropriation in the amount of One Hundred Eighteen Thousand Dollars (\$118,000) to the Supreme Bench to be used for additional operating expenses which could not reasonably be anticipated at the time of formulation of the proposed fiscal 1981 Ordinance of Estimates.

BY authority of

Article VI—Board of Estimates

Section 2(h) (3)

Baltimore City Charter (1964 Revision as amended)

WHEREAS, the money appropriated herein represents revenue produced by Child Support Incentive Payments through the State Department of Human Resources under federal Public Law 93-647 in excess of the amount from this source estimated and relied upon by the Board of Estimates in determining the tax levy required to balance the budget for the 1981 fiscal year, and said money is therefore available for appropriation to the Supreme Bench pursuant to the provisions of Article VI, Section 2(h) (3) of the Baltimore City Charter (1964 Revision as amended); and

WHEREAS, the additional sum here appropriated is for a program included in the current principal Ordinance of

Estimates and is made necessary by a material change in circumstances since the formulation and adoption of such Ordinance, in accordance with Article VI, Section 2(h)(3) of said Charter; and

WHEREAS, the supplementary general fund appropriation ordained herein has been recommended to the City Council by the Board of Estimates, said recommendation having been made at a regular meeting of said Board held on the 6th day of May, 1981, all in accordance with Article VI, Section 2(h)(3) of said Charter.

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That under the provisions of Article VI, Section 2(h)(3) of the 1964 revision of the Charter of Baltimore City, the sum of One Hundred Eighteen Thousand Dollars (\$118,000) shall be made available to the Supreme Bench as a supplementary general fund appropriation for the fiscal year ending June 30, 1981, for the purpose of additional operating expenses which could not reasonably be anticipated at the time of formulation of the proposed fiscal 1981 Ordinance of Estimates. The amount thus made available as a supplementary general fund appropriation shall be expended from revenue derived from Child Support Incentive Payments through the State Department of Human Resources under federal Public Law 93-647 in excess of the amount from this source which was estimated or relied upon by the Board of Estimates in determining the tax levy required to balance the budget for the 1981 fiscal year; and said funds from said Child Support Incentive Payments shall be the source of revenue for this supplementary general fund appropriation, as required by Article VI, Section 2 of the Baltimore City Charter (1964 Revision as amended).

SEC. 2. *And be it further ordained*, That this ordinance shall take effect from the date of its passage.

Approved June 19, 1981.

WILLIAM DONALD SCHAEFER, *Mayor*.



No. 359

(Council No. 658)

AN ORDINANCE concerning

SUPPLEMENTARY APPROPRIATION—  
OFFICE OF STATE'S ATTORNEY

FOR the purpose of providing a supplementary general fund appropriation in the amount of Two Hundred Two Thousand Dollars (\$202,000) to the Office of State's Attorney to be used for additional operating expenses which could not reasonably be anticipated at the time of formulation of the proposed fiscal 1981 Ordinance of Estimates.

BY authority of

Article VI—Board of Estimates

Section 2(h) (3)

Baltimore City Charter (1964 Revision as amended)

WHEREAS, the money appropriated herein represents revenue produced by Child Support Incentive Payments through the State Department of Human Resources under federal Public Law 93-647 in excess of the amount from this source estimated and relied upon by the Board of Estimates in determining the tax levy required to balance the budget for the 1981 fiscal year, and said money is therefore available for appropriation to the Office of State's Attorney pursuant to the provisions of Article VI, Section 2(h) (3) of the Baltimore City Charter (1964 Revision as amended); and

WHEREAS, the additional sum here appropriated is for a program included in the current principal Ordinance of Estimates and is made necessary by a material change in circumstances since the formulation and adoption of such Ordinance, in accordance with Article VI, Section 2(h) (3) of said Charter; and

WHEREAS, the supplementary general fund appropriation ordained herein has been recommended to the City Council by the Board of Estimates, said recommendation having been made at a regular meeting of said Board held on the

6th day of May, 1981, all in accordance with Article VI, Section 2(h) (3) of said Charter.

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That under the provisions of Article VI, Section 2(h) (3) of the 1964 revision of the Charter of Baltimore City, the sum of Two Hundred Two Thousand Dollars (\$202,000) shall be made available to the Office of State's Attorney as a supplementary general fund appropriation for the fiscal year ending June 30, 1981, for the purpose of additional operating expenses which could not reasonably be anticipated at the time of formulation of the proposed fiscal 1981 Ordinance of Estimates. The amount thus made available as a supplementary general fund appropriation shall be expended from revenue derived from Child Support Incentive Payments through the State Department of Human Resources under federal Public Law 93-647 in excess of the amount from this source which was estimated or relied upon by the Board of Estimates in determining the tax levy required to balance the budget for the 1981 fiscal year; and said funds from said Child Support Incentive Payments shall be the source of revenue for this supplementary general fund appropriation, as required by Article VI, Section 2 of the Baltimore City Charter (1964 Revision as amended).

SEC. 2. *And be it further ordained*, That this ordinance shall take effect from the date of its passage.

Approved June 19, 1981.

WILLIAM DONALD SCHAEFER, *Mayor*.

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No. 360

(Council No. 659)

AN ORDINANCE concerning

SUPPLEMENTARY APPROPRIATION—  
OFFICE OF SHERIFF

FOR the purpose of providing a supplementary general fund appropriation in the amount of Eighty-six Thou-

sand Dollars (\$86,000) to the Office of Sheriff to be used for additional operating expenses which could not reasonably be anticipated at the time of formulation of the proposed fiscal 1981 Ordinance of Estimates.

BY authority of

Article VI—Board of Estimates

Section 2(h) (3)

Baltimore City Charter (1964 Revision as amended)

WHEREAS, the money appropriated herein represents revenue produced by Child Support Incentive Payments through the State Department of Human Resources under federal Public Law 93-647 in excess of the amount from this source estimated and relied upon by the Board of Estimates in determining the tax levy required to balance the budget for the 1981 fiscal year, and said money is therefore available for appropriation to the Office of Sheriff pursuant to the provisions of Article VI, Section 2(h) (3) of the Baltimore City Charter (1964 Revision as amended); and

WHEREAS, the additional sum here appropriated is for a program included in the current principal Ordinance of Estimates and is made necessary by a material change in circumstances since the formulation and adoption of such Ordinance, in accordance with Article VI, Section 2(h) (3) of said Charter; and

WHEREAS, the supplementary general fund appropriation ordained herein has been recommended to the City Council by the Board of Estimates, said recommendation having been made at a regular meeting of said Board held on the 6th day of May, 1981, all in accordance with Article VI, Section 2(h) (3) of said Charter.

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That under the provisions of Article VI, Section 2(h) (3) of the 1964 revision of the Charter of Baltimore City, the sum of Eighty-six Thousand Dollars (\$86,000) shall be made available to the Office of Sheriff as a supplementary general fund appropriation for the fiscal year ending June 30, 1981, for the purpose of additional operating expenses which could not reasonably be antici-



pated at the time of formulation of the proposed fiscal 1981 Ordinance of Estimates. The amount thus made available as a supplementary general fund appropriation shall be expended from revenue derived from Child Support Incentive Payments through the State Department of Human Resources under federal Public Law 93-647 in excess of the amount from this source which was estimated or relied upon by the Board of Estimates in determining the tax levy required to balance the budget for the 1981 fiscal year; and said funds from said Child Support Incentive Payments shall be the source of revenue for this supplementary general fund appropriation, as required by Article VI, Section 2 of the Baltimore City Charter (1964 Revision as amended).

SEC. 2. *And be it further ordained*, That this ordinance shall take effect from the date of its passage.

Approved June 19, 1981.

WILLIAM DONALD SCHAEFER, *Mayor*.

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No. 361

(Council No. 663)

AN ORDINANCE concerning

INDUSTRIAL DEVELOPMENT REVENUE BONDS—  
HITACHI METALS INTERNATIONAL, LTD.

FOR the purpose of authorizing and empowering Mayor and City Council of Baltimore to issue, sell and deliver, at any time or from time to time and in one or more series, as limited obligations of the City and not upon its full faith and credit, its industrial development revenue bonds, to be designated "Baltimore City, Maryland Industrial Development Revenue Bonds (Hitachi Metals International, Ltd. Project)", in the aggregate principal amount not to exceed \$1,000,000, pursuant to the provisions of Sub-section (50) of Article II of the Charter of Baltimore City (1964 Revision), as amended, for the

sole and exclusive purpose of financing the costs, charges, fees and expenses in connection with (a) the acquisition of certain real property known as Lot No. 3A located on East Lombard Street, in the Bayview Avenue Industrial Park, in Baltimore City by Hitachi Metals International, Ltd., a New York corporation, in the business of fabricating and supplying iron, steel and related products, and (b) the construction of a building thereon, for use as a distribution and office facility; authorizing the Mayor of the City to accept, on behalf of the City, the letter of intent of Hitachi Metals International, Ltd. to the City dated April 30, 1981; making certain legislative findings; authorizing and empowering the Board of Finance of the City, prior to the issuance, sale and delivery of such bonds, to adopt a resolution pursuant to which the Board of Finance shall (a) prescribe, among other things but not limited to, the form, terms, provisions, manner or method of issuing and selling, and the time or times of issuance, and any and all other details of such bonds, and (b) do any and all things necessary, proper or expedient in connection with the issuance and sale of such bonds; authorizing the private (negotiated) sale of such bonds; providing that Hitachi Metals International, Ltd. shall agree to submit any plans and specifications to, and to coordinate with, the Department of Housing and Community Development in connection with the acquisition of such real property and the construction of a building thereon; and generally providing for and determining various matters and details in connection with the authorization, issuance, security, sale and payment of such bonds.

### RECITALS

Sub-section (50) of Article II of the Charter of Baltimore City (1964 Revision), as amended (the "Enabling Law"), empowers Mayor and City Council of Baltimore (the "City") to issue revenue bonds and to use the proceeds of the sale of such revenue bonds to finance undertakings for the accomplishment of any of the purposes, objects and powers of the City. Some of the general objectives of the City, contemplated by the Enabling Law, include the relief of conditions of unemployment in Bal-

timore City, encouraging the increase of industry and a balanced economy in Baltimore City, promoting economic development in Baltimore City, and promoting the health, welfare and safety of the residents of Baltimore City.

The City has received a letter of intent dated April 30, 1981 (the "Letter of Intent") from Hitachi Metals International, Ltd., a New York corporation (the "Borrower"), pursuant to which the Borrower has requested the City to participate in the financing of the costs, charges, fees and expenses in connection with the acquisition by the Borrower of certain real property located in Baltimore City and the construction by the Borrower of a building thereon (the "Project"), by the issuance and sale by the City of its industrial development revenue bonds in the aggregate principal amount not to exceed \$1,000,000 and by loaning the proceeds of the revenue bonds to the Borrower, upon the terms and conditions of a loan agreement to be entered into between the City and the Borrower (the "Loan Agreement"), as permitted by the Enabling Law (such loan being herein referred to as the "Loan").

The Project will consist generally of (a) the acquisition by the Borrower, in its business of fabricating and supplying iron, steel and related products to industrial users, of certain real property containing approximately five (5) acres located on East Lombard Street known as Lot No. 3A in the Bayview Avenue Industrial Park in Baltimore City, and (b) the initial construction thereon of a building consisting of approximately 30,000 square feet, for use as a distribution and office facility.

The Loan Agreement will require the Borrower (a) to use the proceeds of the revenue bonds solely to finance the completion of the Project, and (b) to make Loan payments which will be sufficient to enable the City to pay the principal of and interest and premium, if any, on the revenue bonds when and as the same shall become due and payable.

As security for the revenue bonds, the City will enter into either (a) a trust agreement (the "Trust Agreement") with a corporate trustee (the "Trustee") to be



appointed by the Board of Finance of the City (the "Board") or (b) an Assignment and Security Agreement (the "Assignment") with the original purchaser of the Bonds (the "Original Purchaser"), and a trustee (which may be the Original Purchaser) (the "Project Fund Trustee"). Pursuant to the Trust Agreement or the Assignment, the City will assign to the Trustee or, if the Assignment is entered into, the Original Purchaser, its successors and assigns, (among other things) (a) all of the City's right, title and interest in and to and remedies under the Loan Agreement, including (without limitation) any and all security referred to therein, excepting only the right of the City to indemnification by the Borrower and to payments to the City for expenses incurred by the City itself, (b) the receipts and revenues of the City from the Loan, (c) certain moneys which are at any time or from time to time on deposit with the Trustee or the Project Fund Trustee, (d) all right, title and interest in and to and remedies with respect to any and all other property of every description and nature from time to time by delivery or by writing of any kind conveyed, pledged, assigned or transferred, as and for additional security for the revenue bonds, by the City or by anyone on its behalf or with its written consent, to the Trustee, or, if the Assignment is entered into, the Original Purchaser, its successors or assigns, and (e) all of the City's right, title and interest in and to and remedies under such other documents, including (without limitation) mortgages, deeds of trust, guaranties and security instruments, as the Board shall deem necessary to effectuate the issuance, sale and delivery of the revenue bonds and which the Board shall approve by a resolution or resolutions (the "Resolution") to be adopted by the Board prior to the issuance, sale and delivery of any of the Bonds.

The Bonds will be sold at a private (negotiated) sale.

NOW, THEREFORE, IN ACCORDANCE WITH THE ENABLING LAW:

Section 1. *Be it ordained by the Mayor and City Council of Baltimore, That acting pursuant to the Enabling Law, it is hereby found and determined as follows:*

(1) The issuance and sale of the revenue bonds by the City pursuant to the Enabling Law in order to lend the proceeds thereof to the Borrower for the sole and exclusive purpose of financing the costs of the Project will facilitate and expedite the completion of the Project by the Borrower.

(2) The completion of the Project by the Borrower and the financing thereof as provided in this Ordinance will serve to promote the general purposes contemplated by the Enabling Law by (a) sustaining jobs and employment in Baltimore City; (b) promoting economic development in Baltimore City; and (c) encouraging the increase of industry and a balanced economy in Baltimore City.

(3) Neither the revenue bonds nor the interest thereon shall ever constitute a pledge of or involve the faith and credit or the taxing power of the City, and neither shall constitute a debt of the City within the meaning of Section 7 of Article XI of the Constitution of Maryland or any other constitutional, statutory or charter provision limiting or restricting the sale or issuance of bonds, notes or other obligations of the City, and neither shall ever constitute or give rise to any pecuniary liability of the City. The revenue bonds and the interest thereon shall be limited obligations of the City, repayable by the City solely from the revenue derived from Loan repayments (both principal and interest) made to the City by the Borrower on account of the Loan and from any other moneys made available to the City for such purpose. The proceeds of the revenue bonds will be paid directly to the Trustee or the Project Fund Trustee to be held and disbursed by the Trustee as provided in the Trust Agreement or by the Project Fund Trustee as provided in the Assignment to be approved by the Board in the Resolution. Payments of the principal of and premium (if any) and interest on the Loan will be paid by the Borrower directly to the Trustee as provided in the Trust Agreement or to the Original Purchaser, its successors and assigns, as provided in the Assignment, to be approved by the Board in the Resolution. No such moneys will be commingled with the City's funds or will be subject to the absolute control of the City, but will be subject only to such limited supervision and checks as are deemed necessary or desirable by the City to insure that the proceeds of the revenue bonds are used to accomplish the



public purposes of the Enabling Law and this Ordinance. The loan form of transaction authorized hereunder shall in no event constitute a capital project within the meaning of any charter or statutory provision. The public purposes expressed in the Enabling Law are to be achieved by facilitating the completion of the Project by the Borrower.

(4) The City will acquire no interest in the Project other than (a) any general interest in the Borrower's property shared by all holders of the Borrower's obligations which rank and are secured equally with the Borrower's obligations pursuant to the Loan Agreement, (b) any lien and security interest created by the Loan Agreement, and (c) any interest created by any other mortgage or deed of trust or other security instrument executed and delivered by the Borrower or any third party as security for the Loan or the revenue bonds as the Board may provide for and approve in the Resolution. The security for the revenue bonds shall be solely and exclusively (a) the absolute, irrevocable and unconditional obligations of the Borrower to make the payments required by the Loan Agreement, (b) moneys realized from the liquidation of any lien and security interest created by the Loan Agreement and of any other lien or security interest created with respect to any property as security for the Loan or the revenue bonds as the Board may provide for and approve in the Resolution, and (c) moneys realized from any guaranty of the revenue bonds or of the Loan as the Board may provide for and approve in the Resolution.

(5) The best interests of the City will be served by selling the revenue bonds at private (negotiated) sale, as authorized by the Enabling Law, upon terms and conditions approved by the Board in the Resolution.

Sec. 2. *And be it further ordained*, That the City is hereby authorized and empowered to issue, sell and deliver, at any time or from time to time and in one or more series, and as limited obligations of the City and not upon its full faith and credit, its Baltimore City, Maryland Industrial Development Revenue Bonds (Hitachi Metals International, Ltd. Project), in the aggregate principal amount not to exceed \$1,000,000 (the "Bonds"), subject to the provisions of this Ordinance. The proceeds of the Bonds will be loaned



to the Borrower pursuant to the terms and provisions of the Loan Agreement, to be used by the Borrower for the sole and exclusive purpose of financing the costs, charges, fees, and expenses in connection with the completion of the Project. The Bonds and the interest thereon shall be limited obligations of the City, repayable by the City solely from the revenue derived from Loan repayments (both principal and interest) made to the City by the Borrower pursuant to the Loan Agreement and from any other moneys made available to the City for such purpose. The security for the Bonds shall be solely and exclusively as provided in Section 1 of this Ordinance.

Sec. 3. *And be it further ordained*, That this Ordinance constitutes the commitment of the City to issue the Bonds, and the Mayor of the City is hereby authorized to accept the Letter of Intent on behalf of the City in order to further evidence the commitment of the City to issue the Bonds in accordance with the terms and provisions of this Ordinance.

Sec. 4. *And be it further ordained*, That each of the Bonds shall bear the descriptive title "Baltimore City, Maryland Industrial Development Revenue Bond (Hitachi Metals International, Ltd. Project)", provided that the descriptive title may contain such other descriptive information as the Board may prescribe in the Resolution (e.g., "1981 Series"). The Bonds shall bear interest at the rate or rates of interest to be determined by negotiation with the original purchaser or purchasers of the Bonds and to be approved and prescribed by the Board in the Resolution.

Sec. 5. *And be it further ordained*, That the definitive Bonds, which may be engraved, printed or typewritten, including any Trustee's Certificate of Authentication to be endorsed thereon, if the Trust Agreement is entered into, shall be in such form, not inconsistent with the Enabling Law and the provisions of this Ordinance, as the Board may approve in the Resolution.

Sec. 6. *And be it further ordained*, That the Bonds shall be executed in the name of the City and on its behalf by the Mayor of the City, by his manual or facsimile signa-

ture, and by the Director of Finance of the City, by his manual or facsimile signature, and the corporate seal of the City or a facsimile thereof shall be impressed or otherwise reproduced thereon and attested by the Custodian of the City Seal, by his manual signature. The Loan Agreement, the Trust Agreement or the Assignment and, where applicable, all other documents as the Board shall deem necessary to effectuate the issuance, sale and delivery of the Bonds, shall be executed in the name of the City and on its behalf by the Mayor of the City by his manual or facsimile signature, and the corporate seal of the City or a facsimile thereof shall be impressed or otherwise reproduced thereon and attested by the Custodian of the City Seal by his manual signature. In case any officer whose signature or a facsimile of whose signature shall appear on the Bonds or any of the aforesaid documents shall cease to be such officer before the delivery of the Bonds or any of the other aforesaid documents, such signature or such facsimile shall nevertheless be valid and sufficient for all purposes, the same as if such officer has remained in office until delivery. The Mayor of the City, the Director of Finance of the City, the Custodian of the City Seal and other officials of the City are hereby authorized and empowered to do all such acts and things and execute such documents and certificates as the Board may determine in the Resolution to be necessary to carry out and comply with the provisions hereof.

Sec. 7. *And be it further ordained*, That the Bonds shall be executed, issued and delivered at any time or from time to time and in one or more series and in such amount or amounts not exceeding, in the aggregate, the principal amount of \$1,000,000, as the Board shall prescribe in the Resolution.

Sec. 8. *And be it further ordained*, That the Bonds shall be dated, shall be in such denominations, shall be of such form and tenor, and shall be payable in such amounts, at such times and at such place or places as the Board shall prescribe in the Resolution.

Sec. 9. *And be it further ordained*, That the Bonds may be subject to redemption prior to their stated maturities

upon such terms and conditions as the Board shall prescribe in the Resolution.

Sec. 10. *And be it further ordained*, That prior to the issuance, sale and delivery of the Bonds, the Board shall adopt the Resolution pursuant to which the Board shall:

(a) prescribe the form, tenor, terms and conditions of and security for the Bonds;

(b) prescribe the actual amounts, rate or rates of interest (or the method of determining the same), denominations, date, actual maturity or maturities, and the place or places of payment of the Bonds, and the terms and conditions and details under which the Bonds may be called for redemption prior to their stated maturities;

(c) if a Trust Agreement is entered into, appoint a bank having trust powers, or a trust company, as Trustee for the Bonds and, if necessary, appoint a paying agent or agents for the Bonds, which may be the Trustee;

(d) approve the form and contents, and authorize the execution and delivery (where applicable) of (i) the Loan Agreement, (ii) the Trust Agreement or the Assignment, and (iii) such other documents, including (without limitation) mortgages, deeds of trust, guaranties and security instruments as the Board shall deem necessary to approve in order to effectuate the issuance, sale and delivery of the Bonds;

(e) determine the time of execution, issuance, sale and delivery of the Bonds and prescribe any and all other details of the Bonds;

(f) provide for the direct payment by the Borrower of all costs, fees and expenses incurred by or on behalf of the City in connection with the issuance, sale and delivery of the Bonds, including (without limitation) costs of printing (if any) and issuing the Bonds, legal expenses and compensation to any person (other than full time employees of the City) performing services by or on behalf of the City in connection therewith;

(g) if the Trust Agreement is entered into, provide for the issuance and sale (subject to the passage of an



appropriate ordinance authorizing the same as may be required at the time) of one or more series of additional bonds and one or more series of refunding bonds; and

(h) do any and all things, and authorize the officials of the City to do any and all things, necessary, proper or expedient in connection with the issuance, sale and delivery of the Bonds.

Sec. 11. *And be it further ordained,* That the Loan Agreement and the Trust Agreement or the Assignment shall contain such terms, provisions and conditions, not inconsistent with the Enabling Law and the provisions of this Ordinance, as the Board shall approve in the Resolution.

Sec. 12. *And be it further ordained,* That, as authorized by the Enabling Law, the Bonds shall be sold at private (negotiated) sale upon such terms and conditions as shall be approved by the Board in the Resolution.

Sec. 13. *And be it further ordained,* That neither the Bonds nor the interest thereon shall ever constitute a pledge of or involve the faith and credit or the taxing power of the City, and neither shall constitute a debt of the City within the meaning of Section 7 of Article XI of the Constitution of Maryland or any other constitutional, statutory or charter provision limiting or restricting the sale or issuance of bonds, notes or other obligations of the City, and neither shall ever constitute or give rise to any pecuniary liability of the City. The Bonds, and the interest thereon, shall be limited obligations of the City, the principal of and interest on which Bonds shall be payable by the City solely from the revenue derived from Loan repayments (both principal and interest) made to the City by the Borrower on account of the Loan and, to the extent provided by the Board in the Resolution, from the proceeds of the Bonds, and from any other moneys made available to the City for such purpose. The proceeds of the Bonds will be paid directly to the Trustee or the Project Fund Trustee to be held and disbursed by the Trustee as provided in the Trust Agreement or by the Project Fund Trustee as provided in the Assignment to be approved by the Board in the Resolution. No such moneys will be commingled with the City's funds or will be subject to the

absolute control of the City, but will be subject only to such limited supervision and checks as are deemed necessary or desirable by the City to insure that the proceeds of the Bonds are used to accomplish the public purposes of the Enabling Law and this Ordinance.

Sec. 14. *And be it further ordained,* That in consideration of the purchase and acceptance of the Bonds by those who shall hold the Bonds from time to time, the City does hereby, and by the execution and delivery of the Trust Agreement or the Assignment to be approved by the Board shall, set aside and pledge the income and revenue under the Loan Agreement (other than payments to the City for indemnification or to reimburse the City for expenses incurred by the City itself) to the Trustee or, if the Assignment is entered into, the Original Purchaser, its successors and assigns, to be used and applied for the payment of the principal of and interest on the Bonds. Pursuant to the terms of the Loan Agreement to be approved by the Board in the Resolution, payments sufficient for the prompt payment when due of the principal of, premium, if any, and interest on the Bonds are to be paid by the Borrower to the Trustee for the benefit of the holders of the Bonds, or, if the Assignment is entered into, to the Original Purchaser, its successors and assigns, for the account of the City.

Sec. 15. *And be it further ordained,* That the Borrower shall agree that:

(a) It will submit any plans and specifications for the Project to the Department of Housing and Community Development for approval, and that the Department of Housing and Community Development may refuse approval of any plans and specifications for aesthetic or functional reasons; and

(b) It and its developers will work with the design advisory group appointed by the Department of Housing and Community Development in order to achieve high quality and design.

Sec. 16. *And be it further ordained,* That the provisions of this Ordinance are severable, and if any provision, sentence, clause, section or part hereof is held illegal, invalid

or unconstitutional or inapplicable to any person or circumstances, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this Ordinance or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this Ordinance would have been passed if such illegal, invalid or unconstitutional provision, sentence, clause, section or part had not been included herein, and if the person or circumstances to which this Ordinance or any part hereof are inapplicable had been specifically exempted herefrom.

Sec. 17. *And be it further ordained,* That if the Bonds are not issued and sold within six months from the date on which this Ordinance is approved by the Mayor of the City, the authorization provided in this Ordinance for the City to issue and sell the Bonds shall expire; provided, however, that the Board may, after a showing of good cause at a public hearing held before the Board, extend such authorization for one additional term not to exceed six months. The Board, in its sole discretion, shall determine the sufficiency or lack thereof, of the reasons presented for any requested extension of this Ordinance. If an extension is granted, notice of such extension and the reasons therefor must be sent to the City Council.

Sec. 18. *And be it further ordained,* That this Ordinance shall take effect from the date of its passage.

FOR THE PURPOSE OF AUTHORIZING AND EMPOWERING MAYOR AND CITY COUNCIL OF BALTIMORE TO ISSUE, SELL AND DELIVER, AT ANY TIME OR FROM TIME TO TIME AND IN ONE OR MORE SERIES, AS LIMITED OBLIGATIONS OF THE CITY AND NOT UPON ITS FULL FAITH AND CREDIT, ITS INDUSTRIAL DEVELOPMENT REVENUE BONDS, TO BE DESIGNATED "BALTIMORE CITY, MARYLAND INDUSTRIAL DEVELOPMENT REVENUE BONDS (HITACHI METALS INTERNATIONAL, LTD. PROJECT)", IN THE AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$1,000,000, PURSUANT TO THE PROVISIONS OF SECTIONS



266A TO 266-I, INCLUSIVE, OF ARTICLE 41 OF THE ANNOTATED CODE OF MARYLAND (1978 REPLACEMENT VOLUME AND 1980 CUMULATIVE SUPPLEMENT), AS AMENDED, IN ORDER TO LOAN THE PROCEEDS THEREOF TO AN INDUSTRIAL CONCERN, HITACHI METALS INTERNATIONAL, LTD., A NEW YORK CORPORATION, FOR THE SOLE AND EXCLUSIVE PURPOSE OF FINANCING THE COSTS, CHARGES, FEES AND EXPENSES IN CONNECTION WITH (A) THE ACQUISITION OF CERTAIN REAL PROPERTY KNOWN AS LOT NO. 3A LOCATED ON EAST LOMBARD STREET, IN THE BAYVIEW AVENUE INDUSTRIAL PARK, IN BALTIMORE CITY BY HITACHI METALS INTERNATIONAL, LTD., A NEW YORK CORPORATION, IN THE BUSINESS OF FABRICATING AND SUPPLYING IRON, STEEL AND RELATED PRODUCTS, AND (B) THE CONSTRUCTION OF AN INDUSTRIAL BUILDING THEREON, FOR USE AS A DISTRIBUTION AND OFFICE FACILITY; AUTHORIZING THE MAYOR OF THE CITY TO ACCEPT, ON BEHALF OF THE CITY, THE BORROWER'S LETTER OF INTENT TO THE CITY DATED APRIL 30, 1981; MAKING CERTAIN LEGISLATIVE FINDINGS, AMONG OTHERS, CONCERNING THE PUBLIC BENEFIT AND PURPOSE OF SUCH BONDS; AUTHORIZING THE PRIVATE (NEGOTIATED) SALE OF SUCH BONDS; PRESCRIBING THE METHOD OF DETERMINING THE RATE OR RATES OF INTEREST SUCH BONDS ARE TO BEAR, THE BASIC FORM, TENOR, TERMS AND CONDITIONS OF AND SECURITY FOR SUCH BONDS AND THE TERMS AND CONDITIONS UNDER WHICH SUCH BONDS MAY BE CALLED FOR REDEMPTION PRIOR TO THEIR STATED MATURITY OR MATURITIES; AUTHORIZING AND EMPOWERING THE BOARD OF FINANCE OF THE CITY, PRIOR TO THE ISSUANCE, SALE AND DELIVERY OF ANY OF SUCH BONDS, TO ADOPT A RESOLUTION PURSUANT TO WHICH THE BOARD MAY SPECIFY, PRESCRIBE, DETERMINE, PROVIDE FOR AND APPROVE CERTAIN MATTERS, DETAILS,

DOCUMENTS AND PROCEDURES IN CONNECTION WITH THE AUTHORIZATION, ISSUANCE, SALE AND PAYMENT FOR SUCH BONDS; PROVIDING THAT HITACHI METALS INTERNATIONAL, LTD. SHALL AGREE TO SUBMIT CERTAIN PLANS AND SPECIFICATIONS TO, AND COORDINATE WITH, THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT IN CONNECTION WITH THE ACQUISITION OF THE INDUSTRIAL BUILDING; AND GENERALLY PROVIDING FOR AND DETERMINING VARIOUS MATTERS AND DETAILS IN CONNECTION WITH THE AUTHORIZATION, ISSUANCE, SECURITY, SALE AND PAYMENT OF SUCH BONDS.

#### RECITALS

SECTIONS 266A TO 266-I, INCLUSIVE, OF ARTICLE 41 OF THE ANNOTATED CODE OF MARYLAND (1978 REPLACEMENT VOLUME AND 1980 CUMULATIVE SUPPLEMENT), AS AMENDED, (THE "ACT") EMPOWER ALL THE COUNTIES AND MUNICIPALITIES OF THE STATE OF MARYLAND TO ISSUE REVENUE BONDS AND TO LOAN THE PROCEEDS OF THE SALE OF SUCH REVENUE BONDS TO AN INDUSTRIAL CONCERN TO FINANCE THE ACQUISITION (AS DEFINED IN THE ACT) BY SUCH INDUSTRIAL CONCERN OF AN INDUSTRIAL BUILDING (AS DEFINED IN THE ACT). THE ACT DECLARES IT TO BE THE LEGISLATIVE PURPOSE TO RELIEVE CONDITIONS OF UNEMPLOYMENT IN THE STATE OF MARYLAND, TO ENCOURAGE THE INCREASE OF INDUSTRY AND A BALANCED ECONOMY IN THE STATE OF MARYLAND, TO ASSIST IN THE RETENTION OF EXISTING INDUSTRY IN THE STATE OF MARYLAND THROUGH THE CONTROL, REDUCTION OF ABATEMENT OF POLLUTION OF THE ENVIRONMENT (WHERE PROCEEDS OF THE BONDS ARE USED FOR THAT PURPOSE), TO PROMOTE ECONOMIC DEVELOPMENT, TO PROTECT NATURAL RESOURCES AND IN THIS MATTER TO PROMOTE THE HEALTH, WELFARE AND SAFETY OF THE

RESIDENTS OF EACH OF THE COUNTIES AND MUNICIPALITIES OF THE STATE OF MARYLAND.

MAYOR AND CITY COUNCIL OF BALTIMORE (THE "CITY") HAS RECEIVED A LETTER OF INTENT DATED APRIL 30, 1981 (THE "LETTER OF INTENT") FROM HITACHI METALS INTERNATIONAL, LTD., A NEW YORK CORPORATION AND AN INDUSTRIAL CONCERN AS MENTIONED IN THE ACT (THE "BORROWER"), PURSUANT TO WHICH THE BORROWER HAS REQUESTED THE CITY TO PARTICIPATE IN THE FINANCING OF THE ACQUISITION BY THE BORROWER OF (A) CERTAIN REAL PROPERTY CONTAINING APPROXIMATELY FIVE (5) ACRES OF LAND KNOWN AS LOT NO. 3A LOCATED ON EAST LOMBARD STREET, IN THE BAYVIEW AVENUE INDUSTRIAL PARK, IN BALTIMORE CITY FOR THE PURPOSE OF FABRICATING AND SUPPLYING IRON, STEEL AND RELATED PRODUCTS, AND (B) THE CONSTRUCTION OF AN INDUSTRIAL BUILDING THEREON, FOR USE AS A DISTRIBUTION AND OFFICE FACILITY CONTAINING APPROXIMATELY 30,000 SQUARE FEET OF OFFICE SPACE, (C) NECESSARY AND USEFUL MACHINERY AND EQUIPMENT FOR SUCH BUILDING AND (D) SUCH INTERESTS IN LAND NECESSARY OR DESIRABLE FOR SUCH BUILDING, TOGETHER WITH ROADS OR OTHER RIGHTS OF ACCESS, UTILITIES AND OTHER NECESSARY FACILITIES AS PERMITTED BY THE ACT (WITHIN THE MEANING OF THE ACT) TO BE LOCATED IN BALTIMORE CITY, MARYLAND (THE "INDUSTRIAL BUILDING"), BY THE ISSUANCE AND SALE BY THE CITY OF ITS BALTIMORE CITY, MARYLAND INDUSTRIAL DEVELOPMENT REVENUE BONDS (HITACHI METALS INTERNATIONAL, LTD. PROJECT), IN THE AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$1,000,000 (THE "BONDS"), AND BY LOANING THE PROCEEDS OF THE BONDS TO THE BORROWER UPON THE TERMS AND CONDITIONS OF A LOAN AGREEMENT TO BE ENTERED INTO BETWEEN THE



CITY AND THE BORROWER (THE "LOAN AGREEMENT"), AS PERMITTED BY THE ACT (SUCH LOAN BEING HEREIN REFERRED TO AS THE "LOAN").

THE LOAN AGREEMENT WILL REQUIRE THE BORROWER (A) TO USE THE PROCEEDS OF THE BONDS SOLELY TO FINANCE THE ACQUISITION OF THE INDUSTRIAL BUILDING, AND (B) TO MAKE LOAN PAYMENTS WHICH WILL BE SUFFICIENT TO ENABLE THE CITY TO PAY THE PRINCIPAL OF AND INTEREST AND PREMIUM, IF ANY, ON THE BONDS WHEN AND AS THE SAME SHALL BECOME DUE AND PAYABLE.

AS SECURITY FOR THE BONDS, THE CITY WILL ENTER INTO AN ASSIGNMENT AND SECURITY AGREEMENT (THE "ASSIGNMENT") WITH THE ORIGINAL PURCHASER OF THE BONDS (THE "ORIGINAL PURCHASER"), AND A TRUSTEE (WHICH MAY BE THE ORIGINAL PURCHASER) (THE "PROJECT FUND TRUSTEE"). PURSUANT TO THE ASSIGNMENT, THE CITY WILL ASSIGN TO THE ORIGINAL PURCHASER, ITS SUCCESSORS AND ASSIGNS, (AMONG OTHER THINGS) (A) ALL OF THE CITY'S RIGHT, TITLE AND INTEREST IN AND TO AND REMEDIES UNDER THE LOAN AGREEMENT, INCLUDING (WITHOUT LIMITATION) ANY AND ALL COLLATERAL REFERRED TO THEREIN, EXCEPTING ONLY THE RIGHT OF THE CITY TO INDEMNIFICATION BY THE BORROWER AND TO PAYMENTS TO THE CITY FOR EXPENSES INCURRED BY THE CITY ITSELF, (B) THE RECEIPTS AND REVENUES OF THE CITY FROM THE LOAN, (C) CERTAIN MONEYS WHICH ARE AT ANY TIME OR FROM TIME TO TIME ON DEPOSIT WITH THE PROJECT FUND TRUSTEE, (D) ALL RIGHT, TITLE AND INTEREST IN AND TO AND REMEDIES WITH RESPECT TO ANY AND ALL OTHER PROPERTY OF EVERY DESCRIPTION AND NATURE FROM TIME TO TIME BY DELIVERY OR BY WRITING OF ANY KIND CONVEYED, PLEDGED, ASSIGNED OR TRANSFERRED, AS AND FOR ADDITIONAL SE-

CURITY FOR THE BONDS, BY THE CITY OR BY ANYONE ON ITS BEHALF OR WITH ITS WRITTEN CONSENT, TO THE ORIGINAL PURCHASER, ITS SUCCESSORS OR ASSIGNS, AND (E) ALL OF THE CITY'S RIGHT, TITLE AND INTEREST IN AND TO AND REMEDIES UNDER SUCH OTHER DOCUMENTS, INCLUDING (WITHOUT LIMITATION) MORTGAGES, DEEDS OF TRUST, GUARANTIES AND SECURITY INSTRUMENTS AS THE BOARD OF FINANCE OF THE CITY (THE "BOARD") SHALL DEEM NECESSARY TO EFFECTUATE THE ISSUANCE, SALE AND DELIVERY OF THE BONDS AND WHICH THE BOARD SHALL APPROVE BY A RESOLUTION (THE "RESOLUTION") TO BE ADOPTED BY THE BOARD PRIOR TO THE ISSUANCE, SALE AND DELIVERY OF ANY OF THE BONDS.

AS EVIDENCED BY THE LETTER OF INTENT, THE INDUSTRIAL BUILDING IS TO BE ACQUIRED BY A BONA FIDE PURCHASER AND AN INDUSTRIAL CONCERN WITHIN THE MEANING OF THE ACT.

THE BONDS WILL BE SOLD BY PRIVATE (NEGOTIATED) SALE.

NOW, THEREFORE, IN ACCORDANCE WITH THE ACT:

SECTION 1. *BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE*, THAT ACTING PURSUANT TO THE ACT, IT IS HEREBY FOUND AND DETERMINED AS FOLLOWS:

(1) THE ISSUANCE AND SALE OF THE BONDS BY THE CITY PURSUANT TO THE ACT IN ORDER TO LEND THE PROCEEDS THEREOF TO THE BORROWER FOR THE SOLE AND EXCLUSIVE PURPOSE OF FINANCING THE ACQUISITION (WITHIN THE MEANING OF THE ACT) BY THE BORROWER OF THE INDUSTRIAL BUILDING WILL FACILITATE AND EXPEDITE THE ACQUISITION OF THE INDUSTRIAL BUILDING BY THE BORROWER.

(2) THE ACQUISITION OF THE INDUSTRIAL BUILDING BY THE BORROWER AND THE FINANCING THEREOF AS PROVIDED IN THIS ORDINANCE WILL PROMOTE THE DECLARED LEGISLATIVE PURPOSES OF THE ACT BY (A) SUSTAINING JOBS AND EMPLOYMENT, THUS RELIEVING CONDITIONS OF UNEMPLOYMENT IN THE STATE OF MARYLAND AND IN BALTIMORE CITY, (B) ENCOURAGING THE INCREASE OF INDUSTRY AND THE CREATION OF A BALANCED ECONOMY IN THE STATE OF MARYLAND AND IN BALTIMORE CITY; (C) ASSISTING IN THE RETENTION OF EXISTING INDUSTRY IN THE STATE OF MARYLAND AND IN BALTIMORE CITY; (D) PROMOTING ECONOMIC DEVELOPMENT; AND (E) PROMOTING THE HEALTH, WELFARE AND SAFETY OF THE RESIDENTS OF THE STATE OF MARYLAND AND BALTIMORE CITY.

(3) IN ADDITION TO AUTHORIZING THE CITY ITSELF TO ACQUIRE THE INDUSTRIAL BUILDING AND EITHER TO LEASE OR TO SELL THE SAME TO THE BORROWER, THE ACT, AS AN ALTERNATIVE PROCEDURE, ALSO AUTHORIZES INDUSTRIAL BUILDING FINANCING TO BE ACCOMPLISHED IN THE FORM OF A LOAN BY THE CITY TO THE BORROWER. THE LOAN FORM OF TRANSACTION AVOIDS INDIRECT COSTS AND BURDENS ON THE CITY BY NOT REQUIRING ANY DIRECT INVOLVEMENT BY THE CITY IN THE ACQUISITION, OWNERSHIP OR ADMINISTRATION OF THE INDUSTRIAL BUILDING, WHILE PERMITTING AMPLE CONTROLS TO BE IMPOSED ON THE USE OF THE PROCEEDS OF THE BONDS TO INSURE THAT THE PUBLIC PURPOSES OF THE ACT AND THE BONDS ARE FULLY ACCOMPLISHED. IT IS, THEREFORE, IN THE BEST INTERESTS OF THE CITIZENS OF THE CITY TO FINANCE THE ACQUISITION OF THE INDUSTRIAL BUILDING BY A LOAN TO THE BORROWER. THIS ORDINANCE CONTEMPLATES AND AUTHORIZES A TRANSACTION IN THE FORM OF A LOAN OF THE PROCEEDS OF THE BONDS BY THE CITY TO THE BORROWER, RATHER THAN A TRANSAC-



TION IN THE FORM OF A LEASE OR SALE OF THE INDUSTRIAL BUILDING. ACCORDINGLY, THIS ORDINANCE, TOGETHER WITH THE RESOLUTION, THE ASSIGNMENT, AND THE LOAN AGREEMENT AUTHORIZED HEREBY, AND THE OTHER DOCUMENTS REFERRED TO HEREIN, CONTAIN, OR SHALL CONTAIN, SUCH PROVISIONS AS THE CITY DEEMS APPROPRIATE TO EFFECT THE FINANCING OF THE ACQUISITION BY THE BORROWER OF THE INDUSTRIAL BUILDING BY THE LOAN FORM OF TRANSACTION.

(4) NEITHER THE BONDS NOR THE INTEREST THEREON SHALL EVER CONSTITUTE AN INDEBTEDNESS OR GENERAL OBLIGATION OF THE CITY OR A CHARGE AGAINST, OR PLEDGE OF THE GENERAL CREDIT OR TAXING POWERS OF THE CITY, WITHIN THE MEANING OF ANY CONSTITUTIONAL OR CHARTER PROVISION OR STATUTORY LIMITATION, AND NEITHER SHALL EVER CONSTITUTE OR GIVE RISE TO ANY PECUNIARY LIABILITY OF THE CITY. THE BONDS AND THE INTEREST THEREON SHALL BE LIMITED OBLIGATIONS OF THE CITY, REPAYABLE BY THE CITY SOLELY FROM THE REVENUE DERIVED FROM LOAN REPAYMENTS (BOTH PRINCIPAL AND INTEREST) MADE TO THE CITY BY THE BORROWER ON ACCOUNT OF THE LOAN AND FROM ANY OTHER MONEYS MADE AVAILABLE TO THE CITY FOR SUCH PURPOSE. THE PROCEEDS OF THE BONDS WILL BE PAID DIRECTLY TO THE PROJECT FUND TRUSTEE TO BE HELD AND DISBURSED BY THE PROJECT FUND TRUSTEE AS PROVIDED IN THE ASSIGNMENT TO BE APPROVED BY THE BOARD IN THE RESOLUTION. PAYMENTS OF THE PRINCIPAL OF AND PREMIUM (IF ANY) AND INTEREST ON THE LOAN WILL BE PAID BY THE BORROWER DIRECTLY TO THE HOLDERS OF THE BONDS AS PROVIDED IN THE ASSIGNMENT TO BE APPROVED BY THE BOARD IN THE RESOLUTION. NO SUCH MONEYS WILL BE COMMINGLED WITH THE CITY'S FUNDS OR WILL BE SUBJECT TO THE ABSOLUTE CONTROL OF THE CITY, BUT WILL BE SUBJECT ONLY TO

SUCH LIMITED SUPERVISION AND CHECKS AS ARE DEEMED NECESSARY OR DESIRABLE BY THE CITY TO INSURE THAT THE PROCEEDS OF THE BONDS ARE USED TO ACCOMPLISH THE PUBLIC PURPOSES OF THE ACT AND THIS ORDINANCE. THE ACT PROVIDES THAT A LOAN FORM OF TRANSACTION THEREUNDER SHALL IN NO EVENT CONSTITUTE A CAPITAL PROJECT WITHIN THE MEANING OF ANY CHARTER OR STATUTORY PROVISION. THE PUBLIC PURPOSES EXPRESSED IN THE ACT ARE TO BE ACHIEVED BY FACILITATING THE ACQUISITION OF THE INDUSTRIAL BUILDING BY THE BORROWER.

(5) THE CITY WILL ACQUIRE NO INTEREST IN THE INDUSTRIAL BUILDING OTHER THAN (A) ANY GENERAL INTEREST IN THE BORROWER'S PROPERTY SHARED BY ALL HOLDERS OF THE BORROWER'S OBLIGATIONS WHICH RANK AND ARE SECURED EQUALLY WITH THE BORROWER'S OBLIGATIONS PURSUANT TO THE LOAN AGREEMENT, (B) ANY LIEN AND SECURITY INTEREST CREATED BY THE LOAN AGREEMENT, AND (C) ANY INTEREST CREATED BY ANY OTHER MORTGAGE OR DEED OF TRUST OR OTHER SECURITY INSTRUMENT EXECUTED AND DELIVERED BY THE BORROWER OR ANY THIRD PARTY AS SECURITY FOR THE LOAN AS THE BOARD MAY PROVIDE FOR AND APPROVE IN THE RESOLUTION. THE SECURITY FOR THE BONDS SHALL BE SOLELY AND EXCLUSIVELY (A) THE ABSOLUTE, IRREVOCABLE AND UNCONDITIONAL OBLIGATIONS OF THE BORROWER TO MAKE THE PAYMENTS REQUIRED BY THE LOAN AGREEMENT, (B) MONEYS REALIZED FROM THE LIQUIDATION OF ANY LIEN AND SECURITY INTEREST CREATED BY THE LOAN AGREEMENT AND OF ANY OTHER LIEN OR SECURITY INTEREST CREATED WITH RESPECT TO ANY PROPERTY AS SECURITY FOR THE LOAN OR THE BONDS AS THE BOARD MAY PROVIDE FOR AND APPROVE IN THE RESOLUTION, AND (C) MONEYS REALIZED FROM ANY GUARANTY OF THE BONDS OR OF THE

LOAN AS THE BOARD MAY PROVIDE FOR AND APPROVE IN THE RESOLUTION.

(6) NONE OF THE REVENUES DERIVED BY THE CITY FROM THE LOAN AGREEMENT SHALL BE SET ASIDE AS A DEPRECIATION ACCOUNT (MENTIONED IN THE ACT). SUCH A DEPRECIATION ACCOUNT WOULD (A) BE INCONSISTENT WITH THE TRANSACTION AUTHORIZED HEREBY, AND (B) PLACE AN UNREASONABLE BURDEN ON THE BORROWER SO AS TO ADVERSELY AFFECT THE FEASIBILITY OF THE TRANSACTION AND THUS FRUSTRATE THE LEGISLATIVE PURPOSES OF THE ACT. THE BORROWER SHALL COVENANT AND AGREE IN THE LOAN AGREEMENT TO PROPERLY OPERATE AND MAINTAIN THE INDUSTRIAL BUILDING DURING THE TIME ANY OF THE BONDS ARE OUTSTANDING. SUCH COVENANT AND AGREEMENT SHALL INCLUDE A SPECIFIC UNDERTAKING BY THE BORROWER TO MAKE ALL EQUIPMENT REPLACEMENTS AND REPAIRS NECESSARY TO INSURE THAT THE SECURITY FOR THE BONDS SHALL NOT BE IMPAIRED.

(7) THE BEST INTERESTS OF THE CITY WILL BE SERVED BY SELLING THE BONDS BY PRIVATE (NEGOTIATED) SALE, AS AUTHORIZED BY THE ACT, UPON TERMS AND CONDITIONS APPROVED BY THE BOARD IN THE RESOLUTION.

(8) AS EVIDENCED BY THE LETTER OF INTENT, THE INDUSTRIAL BUILDING IS TO BE ACQUIRED BY A BONA FIDE PURCHASER AND BY AN INDUSTRIAL CONCERN WITHIN THE MEANING OF THE ACT.

SEC. 2. *AND BE IT FURTHER ORDAINED*, THAT THE CITY IS HEREBY AUTHORIZED AND EMPOWERED TO ISSUE, SELL AND DELIVER, AT ANY TIME OR FROM TIME TO TIME, ITS BALTIMORE CITY, MARYLAND INDUSTRIAL DEVELOPMENT REVENUE BONDS (HITACHI METALS INTERNATIONAL, LTD. PROJECT), IN THE AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$1,000,000 SUBJECT TO



THE PROVISIONS OF THIS ORDINANCE. THE PROCEEDS OF THE BONDS WILL BE LOANED TO THE BORROWER PURSUANT TO THE TERMS AND PROVISIONS OF THE LOAN AGREEMENT, TO BE USED BY THE BORROWER FOR THE SOLE AND EXCLUSIVE PURPOSE OF FINANCING THE ACQUISITION OF THE INDUSTRIAL BUILDING. THE BONDS AND THE INTEREST THEREON SHALL BE LIMITED OBLIGATIONS OF THE CITY, REPAYABLE BY THE CITY SOLELY FROM THE REVENUE DERIVED FROM LOAN REPAYMENTS (BOTH PRINCIPAL AND INTEREST) MADE TO THE CITY BY THE BORROWER PURSUANT TO THE LOAN AGREEMENT AND FROM ANY OTHER MONEYS MADE AVAILABLE TO THE CITY FOR SUCH PURPOSE. THE SECURITY FOR THE BONDS SHALL BE SOLELY AND EXCLUSIVELY AS PROVIDED IN SECTION 1 OF THIS ORDINANCE.

SEC. 3. *AND BE IT FURTHER ORDAINED*, THAT THE MAYOR OF THE CITY IS HEREBY AUTHORIZED AND DIRECTED TO ACCEPT THE LETTER OF INTENT ON BEHALF OF THE CITY IN ORDER TO FURTHER EVIDENCE THE BINDING COMMITMENT OF THE CITY TO ISSUE, SELL AND DELIVER THE BONDS IN ACCORDANCE WITH THE TERMS AND PROVISIONS OF THIS ORDINANCE. THIS ORDINANCE IS INTENDED TO BE, AND SHALL CONSTITUTE, A BINDING AND ENFORCEABLE COMMITMENT BY THE CITY TO THE BORROWER TO ISSUE AND DELIVER THE BONDS AUTHORIZED HEREBY IN ACCORDANCE WITH THE TERMS HEREOF; HOWEVER, THE CITY CAN MAKE NO ASSURANCE AS TO THE AVAILABILITY OF A READY, WILLING AND ABLE PURCHASER OF THE BONDS, AND THE CITY WILL HAVE NO OBLIGATION TO FIND A PURCHASER FOR THE BONDS. THE CITY AND THE BORROWER CONTEMPLATE THAT UPON THE ENACTMENT OF THIS ORDINANCE BY THE CITY THE BORROWER MAY PROCEED WITH THE ACQUISITION OF THE INDUSTRIAL BUILDING PRIOR TO THE ISSUANCE, SALE AND DELIVERY OF THE BONDS AUTHORIZED HEREBY.

SEC. 4. *AND BE IT FURTHER ORDAINED*, THAT EACH OF THE BONDS SHALL BEAR THE DESCRIPTIVE TITLE "BALTIMORE CITY, MARYLAND INDUSTRIAL DEVELOPMENT REVENUE BOND (HITACHI METALS INTERNATIONAL, LTD. PROJECT)", PROVIDED, THAT THE DESCRIPTIVE TITLE MAY CONTAIN SUCH OTHER DESCRIPTIVE INFORMATION AS THE BOARD MAY PRESCRIBE IN THE RESOLUTION (E.G., "1981 SERIES"). THE BONDS MAY BEAR INTEREST FROM THE DATE OF DELIVERY AT A FLUCTUATING RATE OF INTEREST EQUAL TO 54% OF THE SUM OF THE PRIME RATE OF INTEREST CHARGED FROM TIME TO TIME ON 90 DAY LOANS TO RESPONSIBLE AND SUBSTANTIAL COMMERCIAL BORROWERS BY THE INDUSTRIAL BANK OF JAPAN TRUST COMPANY, A NEW YORK BANKING CORPORATION (THE "BANK"), PLUS .5625% PER ANNUM; OR AT SUCH HIGHER OR LOWER RATE OF INTEREST AS MAY BE PRESCRIBED BY THE BOARD IN THE RESOLUTION (THE "TAX-EXEMPT RATE"); PROVIDED, HOWEVER, THAT DURING ANY PERIOD IN WHICH THE INTEREST PAYABLE ON THE BONDS IS FOR ANY REASON INCLUDIBLE IN THE GROSS INCOME (AS DEFINED IN SECTION 61 OF THE INTERNAL REVENUE CODE OF 1954, AS AMENDED) OF ANY HOLDER OF ANY OF THE BONDS, SUCH BONDS MAY BEAR INTEREST AT A FLOATING RATE EQUAL TO THE SUM OF THE PRIME RATE OF INTEREST CHARGED FROM TIME TO TIME ON 90 DAY LOANS TO RESPONSIBLE AND SUBSTANTIAL COMMERCIAL BORROWERS BY THE BANK, PLUS .5625% PER ANNUM; OR AT SUCH HIGHER OR LOWER RATE AS MAY BE PRESCRIBED BY THE BOARD IN THE RESOLUTION (THE "TAXABLE RATE"). INTEREST ONLY ON THE BONDS SHALL BE PAYABLE QUARTERLY ON DATES TO BE PRESCRIBED BY THE BOARD IN THE RESOLUTION DURING THE FIRST 6 MONTHS FROM THE DATE THE LOAN AGREEMENT IS EXECUTED. THEREAFTER, THE PRINCIPAL OF THE BONDS SHALL BE PAYABLE IN SEMI-ANNUAL INSTALLMENTS AND THE INTER-

EST THEREON SHALL BE PAYABLE IN QUARTERLY INSTALLMENTS ON DATES AND IN AMOUNTS TO BE PRESCRIBED BY THE BOARD IN THE RESOLUTION.

SEC. 5. *AND BE IT FURTHER ORDAINED*, THAT THE DEFINITIVE BONDS, WHICH MAY BE ENGRAVED, PRINTED OR TYPEWRITTEN, SHALL BE SUBSTANTIALLY IN THE FOLLOWING BASIC FORM WITH SUCH APPROPRIATE VARIATIONS, OMISSIONS, INSERTIONS AND ADDITIONAL PROVISIONS AS THE BOARD MAY APPROVE IN THE RESOLUTION:

*FORM OF BOND*

No. R ..... \$ .....

UNITED STATES OF AMERICA  
STATE OF MARYLAND  
BALTIMORE CITY, MARYLAND

INDUSTRIAL DEVELOPMENT REVENUE BOND  
(HITACHI METALS INTERNATIONAL,  
LTD. PROJECT)  
198.... SERIES  
DATED: .....

FOR VALUE RECEIVED, MAYOR AND CITY COUNCIL OF BALTIMORE, A BODY POLITIC AND CORPORATE AND A POLITICAL SUBDIVISION OF THE STATE OF MARYLAND (THE "ISSUER"), HEREBY PROMISES TO PAY (BUT ONLY OUT OF THE "RECEIPTS AND REVENUES OF THE ISSUER FROM THE LOAN" AS HEREINAFTER DEFINED) TO THE ORDER OF ..... (THE "BANK") OR ITS SUCCESSOR, ASSIGNEE OR LEGAL REPRESENTATIVE, THE PRINCIPAL SUM OF ..... DOLLARS, PAYABLE IN INSTALLMENTS AND IN THE MANNER HEREINAFTER SET FORTH, AND TO PAY INTEREST ON THE UNPAID PRINCIPAL AMOUNT HEREOF FROM ....., 198...., UNTIL PAID IN FULL (OR, IF THIS BOND OR ANY PORTION HEREOF, SHALL HAVE BEEN DULY



CALLED FOR EARLY REDEMPTION AND PAYMENT OF THE REDEMPTION PRICE SHALL HAVE BEEN MADE, UNTIL THE DATE FIXED FOR SUCH EARLY REDEMPTION) AT A FLUCTUATING RATE PER ANNUM WHICH IS AT ALL TIMES EQUAL TO 54% OF THE SUM OF THE PRIME RATE OF INTEREST CHARGED FROM TIME TO TIME ON 90 DAY LOANS TO RESPONSIBLE AND SUBSTANTIAL COMMERCIAL BORROWERS BY THE INDUSTRIAL BANK OF JAPAN TRUST COMPANY, A NEW YORK BANKING CORPORATION (THE "BANK"), PLUS .5625% PER ANNUM; OR AT SUCH HIGHER OR LOWER RATE OF INTEREST AS MAY BE PRESCRIBED BY THE BOARD IN THE RESOLUTION (THE "TAX-EXEMPT RATE"), FROM TIME TO TIME (CALCULATED ON THE BASIS OF A 360-DAY YEAR FACTOR APPLIED TO ACTUAL DAYS ELAPSED); PAYABLE AT THE TIMES AND IN THE MANNER HEREINAFTER SET FORTH; PROVIDED, HOWEVER, THAT DURING ANY PERIOD IN WHICH THE INTEREST PAYABLE HEREON IS FOR ANY REASON INCLUDIBLE IN THE GROSS INCOME (AS DEFINED IN SECTION 61 OF THE INTERNAL REVENUE CODE OF 1954, AS AMENDED) OF THE HOLDER HEREOF, THE RATE OF INTEREST PAYABLE ON THE UNPAID PRINCIPAL AMOUNT HEREOF SHALL BE AT A FLUCTUATING RATE PER ANNUM EQUAL TO THE SUM OF THE PRIME RATE OF INTEREST CHARGED FROM TIME TO TIME ON 90 DAY LOANS TO RESPONSIBLE AND SUBSTANTIAL COMMERCIAL BORROWERS BY THE BANK, PLUS .5625% PER ANNUM; OR AT SUCH HIGHER OR LOWER RATE AS MAY BE PRESCRIBED BY THE BOARD IN THE RESOLUTION (THE "TAX-ABLE RATE") (CALCULATED ON THE BASIS OF A 360-DAY YEAR FACTOR APPLIED TO ACTUAL DAYS ELAPSED).

THE PRINCIPAL HEREOF AND INTEREST HEREON SHALL BE PAID IN ANY COIN OR CURRENCY OF THE UNITED STATES OF AMERICA WHICH, AT THE RESPECTIVE TIMES OF PAYMENT, IS LEGAL TENDER FOR THE PAYMENT OF PUBLIC AND PRIVATE DEBTS, AS FOLLOWS:

(A) INTEREST SHALL BE PAYABLE QUARTERLY COMMENCING ON THE FIRST DAY OF .....  
....., 198...., AND ON THE FIRST DAY OF EACH  
..... AND .....  
THEREAFTER, TO AND INCLUDING THE FIRST  
DAY OF ....., 199...., BY CHECK OR  
OTHER METHOD OF PAYMENT BY HITACHI MET-  
ALS INTERNATIONAL, LTD., A NEW YORK CORPO-  
RATION (THE "BORROWER"), TO THE OWNER  
HEREOF AT THE ADDRESS INDICATED ON THE  
REGISTRATION BOOKS OF THE BOND REGISTRAR  
(HEREINAFTER DEFINED), WITHOUT THE NE-  
CESSITY OF SURRENDERING OR PRESENTING THIS  
BOND, AND ALL SUCH PAYMENTS SHALL FULLY  
DISCHARGE THE OBLIGATION OF THE ISSUER  
HEREIN TO THE EXTENT OF THE PAYMENTS SO  
MADE; AND

(B) COMMENCING ON ....., 198....  
AND ON THE FIRST FULL DAY OF EACH .....  
AND ..... THEREAFTER UNTIL PAID IN FULL,  
THE PRINCIPAL HEREOF SHALL BE PAYABLE IN  
TWENTY (20) EQUAL CONSECUTIVE SEMI-ANNUAL  
INSTALLMENTS IN THE AMOUNT OF \$.....  
EACH, BY CHECK OR OTHER METHOD OF PAYMENT  
BY THE BORROWER TO THE OWNER HEREOF AT  
THE ADDRESS INDICATED ON THE REGISTRATION  
BOOKS OF THE BOND REGISTRAR, WITHOUT THE  
NECESSITY OF SURRENDERING OR PRESENTING  
THIS BOND, AND ALL SUCH PAYMENTS SHALL  
FULLY DISCHARGE THE OBLIGATION OF THE  
ISSUER HEREIN TO THE EXTENT OF THE PAY-  
MENTS SO MADE; AND

(C) THE ENTIRE UNPAID PRINCIPAL AMOUNT  
HEREOF AND ALL ACCRUED AND UNPAID INTER-  
EST HEREON SHALL BE DUE AND PAYABLE ON  
....., IF NOT PAID EARLIER.

IN THE EVENT ANY PAYMENT HEREON IS NOT  
PAID ON THE DATE THE SAME IS DUE AND  
PAYABLE, THE PAYMENT SO IN DEFAULT SHALL  
CONTINUE AS AN OBLIGATION OF THE ISSUER  
(LIMITED AS HEREIN PROVIDED) WITH INTEREST

THEREON AT THE RATE OF 2% PER ANNUM IN EXCESS OF THE THEN APPLICABLE RATE OF INTEREST HEREON UNTIL PAID IN FULL.

ALL PAYMENTS HEREON, INCLUDING PREPAYMENTS, SHALL BE APPLIED FIRST TO ACCRUED AND UNPAID INTEREST AND THE BALANCE TO PRINCIPAL.

THIS BOND IS ISSUED UNDER AND PURSUANT TO THE CONSTITUTION AND LAWS OF THE STATE OF MARYLAND, PARTICULARLY SECTIONS 266A TO 266-I, INCLUSIVE, OF ARTICLE 41 OF THE ANNOTATED CODE OF MARYLAND (1978 REPLACEMENT VOLUME AND 1980 CUMULATIVE SUPPLEMENT), AS AMENDED (THE "ACT"), AND UNDER AND PURSUANT TO ORDINANCE NO. ...., APPROVED BY THE MAYOR OF THE ISSUER ON .... (THE "ORDINANCE"), AND BY A RESOLUTION ADOPTED BY THE BOARD OF FINANCE OF THE ISSUER ON .... (THE "RESOLUTION") FOR THE PURPOSE OF FINANCING THE ACQUISITION OF A CERTAIN INDUSTRIAL BUILDING (THE "INDUSTRIAL BUILDING") BY THE BORROWER TO BE LOCATED IN THE CITY OF BALTIMORE, MARYLAND.

THE PROCEEDS OF THIS BOND ARE BEING LOANED TO THE BORROWER BY THE ISSUER UNDER A LOAN AGREEMENT DATED AS OF ...., 198...., BETWEEN THE BORROWER AND THE ISSUER (THE "LOAN AGREEMENT").

THIS BOND IS ISSUED UNDER AN ASSIGNMENT AND SECURITY AGREEMENT DATED AS OF EVEN DATE HERewith BY AND AMONG THE ISSUER, THE BANK, AND THE INDUSTRIAL BANK OF JAPAN TRUST COMPANY, AS PROJECT FUND TRUSTEE, (THE "ASSIGNMENT") AND TO THE EXTENT PROVIDED THEREIN IS SECURED AND ENTITLED TO THE PROTECTION GIVEN BY THE ASSIGNMENT. PURSUANT TO THE ASSIGNMENT THE ISSUER HAS ASSIGNED TO THE BANK, ITS SUCCESSORS AND ASSIGNS, (AMONG OTHER THINGS) THE "RECEIPTS AND REVENUES OF THE ISSUER FROM THE



LOAN", WHICH TERM IS USED HEREIN AS DEFINED IN THE ASSIGNMENT AND WHICH AS THEREIN DEFINED INCLUDES ALL THE PAYMENTS PAYABLE TO THE ISSUER PURSUANT TO THE LOAN AGREEMENT AND ALL OTHER REVENUES OF THE ISSUER ATTRIBUTABLE TO THE FINANCING OF THE INDUSTRIAL BUILDING (EXCEPTING ONLY THE RIGHTS OF THE ISSUER TO INDEMNIFICATION BY THE BORROWER AND TO PAYMENTS TO THE ISSUER FOR EXPENSES INCURRED BY THE ISSUER ITSELF).

PURSUANT TO THE LOAN AGREEMENT, PAYMENTS SUFFICIENT FOR THE PROMPT PAYMENT WHEN DUE OF THE PRINCIPAL OF, PREMIUM, IF ANY, AND INTEREST ON THIS BOND ARE TO BE PAID BY THE BORROWER DIRECTLY TO THE OWNER HEREOF, AND HAVE BEEN ASSIGNED FOR THAT PURPOSE.

AS MORE FULLY PROVIDED IN THE ASSIGNMENT, THIS BOND DOES NOT CONSTITUTE AN INDEBTEDNESS OR OBLIGATION TO WHICH THE FAITH AND CREDIT OF THE ISSUER IS PLEDGED, BUT IS A LIMITED OBLIGATION OF THE ISSUER, WHICH IS OBLIGATED TO PAY THE PRINCIPAL OF, THE INTEREST ON, AND THE REDEMPTION PREMIUM (IF ANY) ON, THIS BOND ONLY OUT OF THE RECEIPTS AND REVENUES OF THE ISSUER FROM THE LOAN. THIS BOND MAY ALSO BE PAID OUT OF ANY OTHER MONEYS MADE AVAILABLE TO THE ISSUER FOR THE PAYMENT THEREOF. BY THE TERMS OF THE ACT, THE PRINCIPAL OF, THE INTEREST ON, OR THE REDEMPTION PREMIUM (IF ANY) ON, THIS BOND, DO NOT, AND SHALL NOT EVER, CONSTITUTE AN INDEBTEDNESS OR CHARGE AGAINST THE GENERAL CREDIT OR TAXING POWERS OF THE ISSUER WITHIN THE MEANING OF ANY CONSTITUTIONAL OR CHARTER PROVISION OR STATUTORY LIMITATION AND SHALL NOT CONSTITUTE OR GIVE RISE TO ANY PECUNIARY LIABILITY OF THE ISSUER.

REFERENCE IS HEREBY MADE TO THE ASSIGNMENT FOR A FULL AND COMPLETE STATEMENT OF THE PROVISIONS WITH RESPECT TO THE CUSTODY AND APPLICATION OF THE PROCEEDS OF THIS BOND, THE COLLECTION AND DISPOSITION OF THE RECEIPTS AND REVENUES OF THE ISSUER FROM THE LOAN ASSIGNED AS SECURITY FOR THE PAYMENT OF THIS BOND AND THE INTEREST THEREON, THE NATURE AND EXTENT OF THE SECURITY AND THE RIGHTS OF THE REGISTERED OWNER OF THIS BOND, THE TERMS AND CONDITIONS ON WHICH, AND THE PURPOSES FOR WHICH, THIS BOND IS ISSUED AND THE RIGHTS, DUTIES AND OBLIGATIONS OF THE ISSUER THEREUNDER, TO ALL OF WHICH THE OWNER HEREOF, BY ACCEPTANCE OF THIS BOND, ASSENTS.

IN THE MANNER AND WITH THE EFFECT PROVIDED IN THE ASSIGNMENT, THIS BOND MAY BE REDEEMED, AT THE OPTION OF THE ISSUER (BUT ONLY UPON DIRECTION BY THE BORROWER AND FROM MONEYS MADE AVAILABLE BY THE BORROWER FOR SUCH PURPOSE), PRIOR TO MATURITY, ON OR AFTER ....., 198...., EITHER AS A WHOLE AT ANY TIME OR IN PART FROM TIME TO TIME, PLUS UNPAID INTEREST ACCRUED TO THE DATE FIXED FOR REDEMPTION WITHOUT PAYMENT OF PREMIUM OR PENALTY. ANY PARTIAL REDEMPTION SHALL BE APPLIED TO THE PRINCIPAL TO BE REDEEMED IN THE INVERSE ORDER OF THE INSTALLMENT PAYMENT DATES.

ANY SUCH REDEMPTION, EITHER IN WHOLE OR IN PART, SHALL BE MADE UPON AT LEAST 30 DAYS' PRIOR NOTICE IN THE MANNER AND UPON THE TERMS AND CONDITIONS PROVIDED IN THE ASSIGNMENT. IF THIS BOND OR ANY PORTION HEREOF SHALL HAVE BEEN DULY CALLED FOR REDEMPTION, AND PAYMENT OF THE PRINCIPAL AMOUNT TO BE REDEEMED, TOGETHER WITH UNPAID INTEREST ACCRUED TO THE DATE FIXED FOR REDEMPTION, SHALL HAVE BEEN MADE OR PROVIDED FOR, ALL AS MORE FULLY SET FORTH

IN THE ASSIGNMENT, INTEREST ON THIS BOND OR SUCH PORTION HEREOF SHALL CEASE TO ACCRUE FROM THE DATE FIXED FOR REDEMPTION, AND FROM AND AFTER SUCH DATE THIS BOND OR THE PORTION HEREOF DULY CALLED FOR REDEMPTION SHALL NO LONGER BE ENTITLED TO ANY BENEFIT OR SECURITY UNDER THE ASSIGNMENT, AND, EXCEPT AS PROVIDED IN THE LOAN AGREEMENT, THE REGISTERED OWNER HEREOF SHALL HAVE NO RIGHTS IN RESPECT OF THIS BOND OR SUCH PORTION HEREOF SO CALLED FOR REDEMPTION EXCEPT TO RECEIVE PAYMENT OF THE PRINCIPAL AMOUNT TO BE REDEEMED AND UNPAID INTEREST ACCRUED TO THE DATE FIXED FOR REDEMPTION.

THE AMOUNT OF ANY PARTIAL PREPAYMENT, AND THE DATE ON WHICH THE SAME IS MADE, SHALL BE NOTED BY THE REGISTERED OWNER ON SCHEDULE A ATTACHED HERETO AND MADE A PART HEREOF.

IN CERTAIN EVENTS, ON THE CONDITIONS, IN THE MANNER AND WITH THE EFFECT SET FORTH IN THE ASSIGNMENT, THE PRINCIPAL OF THIS BOND MAY BECOME OR MAY BE DECLARED DUE AND PAYABLE BEFORE THE STATED MATURITY HEREOF, TOGETHER WITH THE INTEREST ACCRUED THEREON.

THIS BOND SHALL BE REGISTERED ON THE BOOKS OF THE ISSUER TO BE KEPT FOR THAT PURPOSE AT THE OFFICE OF THE DIRECTOR OF FINANCE OF THE ISSUER OR ANY OTHER PERSON MAINTAINING BOOKS FOR THE REGISTRATION AND TRANSFER OF THE BOND PURSUANT TO THE PROVISIONS OF THE ASSIGNMENT (THE "BOND REGISTRAR"). THIS BOND SHALL BE TRANSFERABLE ONLY UPON SUCH BOOKS AT SUCH OFFICE BY THE REGISTERED OWNER OR BY ITS DULY AUTHORIZED OFFICER OR ATTORNEY. THIS BOND MAY BE TRANSFERRED UPON SURRENDER HEREOF AT THE PRINCIPAL OFFICE OF THE BOND REGISTRAR WITH A WRITTEN INSTRUMENT OF



TRANSFER SATISFACTORY TO THE BOND REGISTRAR, DULY EXECUTED BY THE REGISTERED OWNER HEREOF OR HIS DULY AUTHORIZED ATTORNEY. SUCH TRANSFERS SHALL BE WITHOUT CHARGE TO THE REGISTERED OWNER HEREOF, BUT ANY TAXES OR OTHER GOVERNMENTAL CHARGES REQUIRED TO BE PAID WITH RESPECT TO THE SAME SHALL BE PAID BY THE REGISTERED OWNER REQUESTING SUCH TRANSFER AS A CONDITION PRECEDENT TO THE EXERCISE OF SUCH PRIVILEGE.

THE ISSUER AND THE BORROWER MAY DEEM AND TREAT THE PERSON IN WHOSE NAME THIS BOND IS REGISTERED AS THE ABSOLUTE OWNER HEREOF FOR ALL PURPOSES; AND NEITHER THE ISSUER NOR THE BORROWER SHALL BE AFFECTED BY ANY NOTICE TO THE CONTRARY.

ALL ACTS, CONDITIONS AND THINGS REQUIRED BY THE CONSTITUTION AND STATUTES OF THE STATE OF MARYLAND, THE ORDINANCE, THE RESOLUTION AND THE ASSIGNMENT TO EXIST, TO HAVE HAPPENED AND TO HAVE BEEN PERFORMED PRECEDENT TO AND IN THE ISSUANCE OF THIS BOND, DO EXIST, HAVE HAPPENED AND HAVE BEEN PERFORMED.

IN ANY CASE WHERE ANY DATE OF PAYMENT OF INTEREST ON, OR PRINCIPAL OF, THIS BOND, OR THE DATE FIXED FOR ANY REDEMPTION OF THIS BOND SHALL BE, IN THE CITY OF PAYMENT, A SUNDAY OR LEGAL HOLIDAY, OR A DAY ON WHICH BANKING INSTITUTIONS ARE AUTHORIZED BY LAW TO CLOSE, THEN PAYMENT OF INTEREST OR PRINCIPAL (AND PREMIUM, IF ANY) NEED NOT BE MADE ON SUCH DATE IN SUCH CITY BUT MAY BE MADE ON THE NEXT SUCCEEDING BUSINESS DAY NOT A SUNDAY OR A LEGAL HOLIDAY OR DAY UPON WHICH BANKING INSTITUTIONS ARE AUTHORIZED BY LAW TO CLOSE WITH THE SAME FORCE AND EFFECT AS IF MADE ON THE DATE OF PAYMENT OR THE DATE FIXED FOR REDEMPTION.

NO COVENANT OR AGREEMENT CONTAINED IN THIS BOND OR THE ASSIGNMENT SHALL BE DEEMED TO BE A COVENANT OR AGREEMENT OF ANY OFFICER, AGENT OR EMPLOYEE OF THE ISSUER IN HIS INDIVIDUAL CAPACITY, AND NEITHER THE MEMBERS OF THE CITY COUNCIL OF BALTIMORE NOR ANY OFFICIAL EXECUTING THIS BOND SHALL BE LIABLE PERSONALLY ON THIS BOND OR BE SUBJECT TO ANY PERSONAL LIABILITY OR ACCOUNTABILITY BY REASON OF THE ISSUANCE OF THIS BOND.

IN WITNESS WHEREOF, THE ISSUER HAS CAUSED THIS BOND TO BE EXECUTED IN ITS NAME AND ON ITS BEHALF BY THE MAYOR OF THE ISSUER BY HIS MANUAL OR FACSIMILE SIGNATURE, AND BY THE DIRECTOR OF FINANCE OF THE ISSUER, BY HIS MANUAL OR FACSIMILE SIGNATURE, AND HAS CAUSED ITS CORPORATE SEAL OR A FACSIMILE THEREOF TO BE IMPRESSED OR OTHERWISE REPRODUCED HEREON, AND ATTESTED BY THE CUSTODIAN OF THE CITY SEAL OF THE ISSUER, BY HIS MANUAL SIGNATURE, ALL AS OF THE ..... DAY OF ....., 198.....

MAYOR AND CITY COUNCIL  
OF BALTIMORE

(SEAL)

BY .....  
MAYOR

ATTEST:

..... BY .....  
CUSTODIAN OF THE DIRECTOR OF FINANCE  
CITY SEAL

*SCHEDULE A*

R.....

\$ .....

BALTIMORE CITY, MARYLAND  
INDUSTRIAL DEVELOPMENT REVENUE BOND  
(HITACHI METALS INTERNATIONAL,  
LTD. PROJECT)  
198.... SERIES

.....  
 DATE

AMOUNT OF REDEMPTION

\$

SEC. 6. AND BE IT FURTHER ORDAINED, THAT THE BONDS SHALL BE EXECUTED IN THE NAME OF THE CITY AND ON ITS BEHALF BY THE MAYOR OF THE CITY, BY HIS MANUAL OR FACSIMILE SIGNATURE, AND BY THE DIRECTOR OF FINANCE OF THE CITY, BY HIS MANUAL OR FACSIMILE SIGNATURE, AND THE CORPORATE SEAL OF THE CITY OR A FACSIMILE THEREOF SHALL BE IMPRESSED OR OTHERWISE REPRODUCED THEREON AND ATTESTED BY THE CUSTODIAN OF THE CITY SEAL, BY HIS MANUAL SIGNATURE. THE LOAN AGREEMENT, THE ASSIGNMENT AND, WHERE APPLICABLE, ALL OTHER DOCUMENTS AS THE BOARD SHALL DEEM NECESSARY TO EFFECTUATE THE ISSUANCE, SALE AND DELIVERY OF THE BONDS, SHALL BE EXECUTED IN THE NAME OF THE CITY AND ON ITS BEHALF BY THE MAYOR OF THE CITY BY HIS MANUAL OR FACSIMILE SIGNATURE, AND THE CORPORATE SEAL OF THE CITY OR A FACSIMILE THEREOF SHALL BE IMPRESSED OR OTHERWISE REPRODUCED THEREON AND ATTESTED BY THE CUSTODIAN OF THE CITY SEAL BY HIS MANUAL SIGNATURE. IN CASE ANY OFFICER WHOSE SIGNATURE OR A FACSIMILE OF WHOSE SIGNATURE SHALL APPEAR ON THE BONDS OR ANY OF THE AFORESAID DOCUMENTS SHALL CEASE TO BE SUCH OFFICER BEFORE THE DELIVERY OF THE BONDS OR ANY OF THE OTHER AFORESAID DOCUMENTS, SUCH SIGNATURE OR SUCH FACSIMILE SHALL NEVERTHELESS BE VALID AND SUFFICIENT FOR ALL PURPOSES, THE SAME AS IF SUCH OFFICER HAD REMAINED IN OFFICE UNTIL DELIVERY. THE MAYOR OF THE CITY, THE DIRECTOR OF FINANCE OF THE CITY, THE CUSTODIAN OF THE CITY SEAL AND OTHER OFFICIALS OF THE CITY ARE HEREBY AUTHORIZED AND EMPOWERED TO DO ALL SUCH ACTS AND THINGS AND EXE-



CUTE SUCH DOCUMENTS AND CERTIFICATES AS THE BOARD MAY DETERMINE IN THE RESOLUTION TO BE NECESSARY TO CARRY OUT AND COMPLY WITH THE PROVISIONS HEREOF.

SEC. 7. *AND BE IT FURTHER ORDAINED*, THAT THE BONDS SHALL BE EXECUTED, ISSUED AND DELIVERED AT ANY TIME OR FROM TIME TO TIME AND IN SUCH AMOUNT OR AMOUNTS NOT EXCEEDING, IN THE AGGREGATE, THE PRINCIPAL AMOUNT OF \$1,000,000, AS THE BOARD SHALL PRESCRIBE IN THE RESOLUTION.

SEC. 8. *AND BE IT FURTHER ORDAINED*, THAT THE BONDS MAY BE DATED, MAY BE IN SUCH DENOMINATIONS, MAY BE OF SUCH TENOR (NOT INCONSISTENT WITH THE APPLICABLE FORM OF THE BONDS SET FORTH IN SECTION 5 OF THIS ORDINANCE), AND MAY BE PAYABLE IN SUCH AMOUNTS AT SUCH TIMES NOT EXCEEDING 30 YEARS FROM THE DATE THEREOF AND AT SUCH PLACE OR PLACES AS THE BOARD SHALL PRESCRIBE IN THE RESOLUTION.

SEC. 9. *AND BE IT FURTHER ORDAINED*, THAT THE BONDS WILL BE SUBJECT TO REDEMPTION PRIOR TO MATURITY UPON SUBSTANTIALLY THE TERMS AND CONDITIONS CONTAINED IN THE FORM OF THE BONDS SET FORTH IN SECTION 5 OF THIS ORDINANCE AND UPON SUCH OTHER TERMS AND CONDITIONS AS THE BOARD SHALL PRESCRIBE IN THE RESOLUTION.

SEC. 10. *AND BE IT FURTHER ORDAINED*, THAT PRIOR TO THE ISSUANCE, SALE AND DELIVERY OF ANY OF THE BONDS, THE BOARD SHALL ADOPT THE RESOLUTION PURSUANT TO WHICH THE BOARD MAY:

(A) PRESCRIBE THE FINAL FORM, TENOR, TERMS AND CONDITIONS OF AND SECURITY FOR THE BONDS;

(B) PRESCRIBE THE ACTUAL AMOUNTS, RATE OR RATES OF INTEREST (WITHIN THE LIMITS

HEREIN PRESCRIBED), DENOMINATIONS, DATE, ACTUAL MATURITY OR MATURITIES (WITHIN THE LIMITS HEREIN PRESCRIBED), AND THE PLACE OR PLACES OF PAYMENT OF THE BONDS, AND THE FINAL TERMS AND CONDITIONS AND DETAILS UNDER WHICH THE BONDS MAY BE CALLED FOR REDEMPTION PRIOR TO THEIR STATED MATURITY;

(C) APPROVE THE FORM AND CONTENTS, AND AUTHORIZE THE EXECUTION AND DELIVERY (WHERE APPLICABLE) OF (I) THE LOAN AGREEMENT, (II) THE ASSIGNMENT AND (III) SUCH OTHER DOCUMENTS, INCLUDING (WITHOUT LIMITATION) MORTGAGES, DEEDS OF TRUST, GUARANTIES AND SECURITY INSTRUMENTS AS THE BOARD SHALL DEEM NECESSARY TO EFFECTUATE THE ISSUANCE, SALE AND DELIVERY OF THE BONDS;

(D) DETERMINE THE TIME OR TIMES OF EXECUTION, ISSUANCE, SALE AND DELIVERY OF THE BONDS AND PRESCRIBE ANY AND ALL OTHER DETAILS OF THE BONDS;

(E) PROVIDE FOR THE DIRECT PAYMENT BY THE BORROWER OF ALL COSTS, FEES AND EXPENSES INCURRED BY OR ON BEHALF OF THE CITY IN CONNECTION WITH THE ISSUANCE, SALE AND DELIVERY OF THE BONDS, INCLUDING (WITHOUT LIMITATION) COSTS OF PRINTING (IF ANY) AND ISSUING THE BONDS, LEGAL EXPENSES AND COMPENSATION TO ANY PERSON PERFORMING SERVICES BY OR ON BEHALF OF THE CITY IN CONNECTION THEREWITH; AND

(F) DO ANY AND ALL THINGS, AND AUTHORIZE THE OFFICIALS OF THE CITY TO DO ANY AND ALL THINGS, NECESSARY, PROPER OR EXPEDIENT IN CONNECTION WITH THE ISSUANCE, SALE AND DELIVERY OF THE BONDS.

SEC. 11. *AND BE IT FURTHER ORDAINED*, THAT THE LOAN AGREEMENT SHALL CONTAIN SUCH TERMS, PROVISIONS AND CONDITIONS AS THE BOARD SHALL PRESCRIBE IN THE RESOLUTION.

SEC. 12. *AND BE IT FURTHER ORDAINED*, THAT THE ASSIGNMENT SHALL CONTAIN SUCH TERMS, PROVISIONS AND CONDITIONS AS THE BOARD SHALL PRESCRIBE IN THE RESOLUTION FOR THE PROTECTION AND ENFORCEMENT OF THE RIGHTS AND REMEDIES OF THE HOLDERS OF THE BONDS.

SEC. 13. *AND BE IT FURTHER ORDAINED*, THAT, AS AUTHORIZED BY THE ACT, THE BONDS SHALL BE SOLD BY PRIVATE (NEGOTIATED) SALE UPON SUCH TERMS AND CONDITIONS AS SHALL BE APPROVED BY THE BOARD IN THE RESOLUTION.

SEC. 14. *AND BE IT FURTHER ORDAINED*, THAT NEITHER THE BONDS NOR THE INTEREST THEREON SHALL EVER CONSTITUTE AN INDEBTEDNESS OR GENERAL OBLIGATION OF THE CITY OR A CHARGE AGAINST THE GENERAL CREDIT OR TAXING POWERS OF THE CITY WITHIN THE MEANING OF ANY CONSTITUTIONAL OR CHARTER PROVISION OR STATUTORY LIMITATION, AND NEITHER SHALL EVER CONSTITUTE OR GIVE RISE TO ANY PECUNIARY LIABILITY ON THE PART OF THE CITY. THE BONDS, AND THE INTEREST THEREON, SHALL BE LIMITED OBLIGATIONS OF THE CITY, THE PRINCIPAL OF AND INTEREST ON WHICH BONDS SHALL BE PAYABLE BY THE CITY SOLELY FROM THE REVENUE DERIVED FROM LOAN REPAYMENTS (BOTH PRINCIPAL AND INTEREST) MADE TO THE CITY BY THE BORROWER ON ACCOUNT OF THE LOAN AND, TO THE EXTENT PROVIDED BY THE BOARD IN THE RESOLUTION, FROM THE PROCEEDS OF THE BONDS, AND FROM ANY OTHER MONEYS MADE AVAILABLE TO THE CITY FOR SUCH PURPOSE. THE PROCEEDS OF THE BONDS WILL BE DEPOSITED WITH THE PROJECT FUND TRUSTEE TO BE HELD AND DISBURSED BY THE PROJECT FUND TRUSTEE AS PROVIDED IN THE ASSIGNMENT TO BE APPROVED BY THE BOARD IN THE RESOLUTION. PAYMENTS OF THE PRINCIPAL OF AND PREMIUM (IF ANY) AND INTEREST ON THE LOAN WILL BE PAID BY THE BORROWER DIRECTLY TO THE HOLDERS OF THE



BONDS AS PROVIDED IN THE ASSIGNMENT TO BE APPROVED BY THE BOARD IN THE RESOLUTION. NO SUCH MONEYS WILL BE COMMINGLED WITH THE CITY'S FUNDS OR WILL BE SUBJECT TO THE ABSOLUTE CONTROL OF THE CITY, BUT WILL BE SUBJECT ONLY TO SUCH LIMITED SUPERVISION AND CHECKS AS ARE DEEMED NECESSARY OR DESIRABLE BY THE CITY TO INSURE THAT THE PROCEEDS OF THE BONDS ARE USED TO ACCOMPLISH THE PUBLIC PURPOSES OF THE ACT AND THIS ORDINANCE.

SEC. 15. *AND BE IT FURTHER ORDAINED*, THAT IN CONSIDERATION OF THE PURCHASE AND ACCEPTANCE OF THE BONDS BY THOSE WHO SHALL HOLD THE BONDS FROM TIME TO TIME, THE CITY DOES HEREBY, AND BY THE EXECUTION AND DELIVERY OF THE ASSIGNMENT TO BE APPROVED BY THE BOARD, SHALL PLEDGE THE INCOME AND REVENUE UNDER THE LOAN AGREEMENT (OTHER THAN PAYMENTS TO THE CITY FOR INDEMNIFICATION OR TO REIMBURSE THE CITY FOR EXPENSES INCURRED BY THE CITY ITSELF) TO THE ORIGINAL PURCHASER, ITS SUCCESSORS AND ASSIGNS, TO BE USED AND APPLIED FOR THE PAYMENT OF THE PRINCIPAL OF AND PREMIUM (IF ANY) AND INTEREST ON THE BONDS. PURSUANT TO THE TERMS OF THE LOAN AGREEMENT, TO BE APPROVED BY THE BOARD IN THE RESOLUTION, PAYMENTS SUFFICIENT FOR THE PROMPT PAYMENT WHEN DUE OF THE PRINCIPAL OF, PREMIUM, IF ANY, AND INTEREST ON THE BONDS ARE TO BE PAID BY THE BORROWER DIRECTLY TO THE HOLDERS OF THE BONDS, AS PROVIDED IN THE ASSIGNMENT TO BE APPROVED BY THE BOARD IN THE RESOLUTION, FOR THE ACCOUNT OF THE CITY, AND SUCH PAYMENTS SHALL BE ASSIGNED BY THE CITY TO THE ORIGINAL PURCHASER, ITS SUCCESSORS AND ASSIGNS, AS PROVIDED IN THE ASSIGNMENT.

SEC. 16. *AND BE IT FURTHER ORDAINED*, THAT THE BORROWER SHALL AGREE THAT:

(A) IT WILL SUBMIT ANY PLANS AND SPECIFICATIONS FOR THE ACQUISITION OF THE INDUSTRIAL BUILDING TO THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT FOR APPROVAL, WITH THE UNDERSTANDING THAT, IN ADDITION TO THE ECONOMIC FEASIBILITY OF THE ACQUISITION OF THE INDUSTRIAL BUILDING, THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT MAY CONSIDER, WITHOUT LIMITATION, THE SUITABILITY OF THE SITE PLAN, ARCHITECTURAL TREATMENT, BUILDING PLANS, ELEVATIONS, MATERIALS, COLOR CONSTRUCTION DETAILS, ACCESS, PARKING, LOADING, LANDSCAPING, IDENTIFICATION SIGNS, EXTERIOR LIGHTING, REFUSE COLLECTION DETAILS, STREETS, SIDEWALKS, AND HARMONY BETWEEN THE PLANS AND THE SURROUNDINGS OF THE PROPOSED INDUSTRIAL BUILDING AND THAT THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT MAY REFUSE APPROVAL OF ANY SUCH PLANS AND SPECIFICATIONS FOR AESTHETIC OR FUNCTIONAL REASONS; AND

(B) IT AND ITS DEVELOPERS WILL WORK WITH THE DESIGN ADVISORY GROUP APPOINTED BY THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT IN ORDER TO ACHIEVE HIGH QUALITY SITE, BUILDING AND LANDSCAPE DESIGN.

SEC. 17. *AND BE IT FURTHER ORDAINED*, THAT THE PROVISIONS OF THIS ORDINANCE ARE SEVERABLE, AND IF ANY PROVISION, SENTENCE, CLAUSE, SECTION OR PART HEREOF IS HELD ILLEGAL, INVALID OR UNCONSTITUTIONAL OR INAPPLICABLE TO ANY PERSON OR CIRCUMSTANCES, SUCH ILLEGALITY, INVALIDITY OR UNCONSTITUTIONALITY, OR INAPPLICABILITY SHALL NOT AFFECT OR IMPAIR ANY OF THE REMAINING PROVISIONS, SENTENCES, CLAUSES, SECTIONS OR PARTS OF THIS ORDINANCE OR THEIR APPLICATION TO OTHER PERSONS OR CIRCUMSTANCES. IT IS HEREBY DECLARED TO BE THE LEGISLATIVE INTENT THAT THIS ORDINANCE

WOULD HAVE BEEN PASSED IF SUCH ILLEGAL, INVALID OR UNCONSTITUTIONAL PROVISION, SENTENCE, CLAUSE, SECTION OR PART HAD NOT BEEN INCLUDED HEREIN, AND IF THE PERSON OR CIRCUMSTANCES TO WHICH THIS ORDINANCE OR ANY PART HEREOF ARE INAPPLICABLE HAD BEEN SPECIFICALLY EXEMPTED HEREFROM.

SEC. 18. *AND BE IT FURTHER ORDAINED*, THAT IF THE BONDS ARE NOT ISSUED AND SOLD WITHIN SIX MONTHS FROM THE DATE ON WHICH THIS ORDINANCE IS APPROVED BY THE MAYOR OF THE CITY, THE AUTHORIZATION PROVIDED IN THIS ORDINANCE FOR THE CITY TO ISSUE AND SELL THE BONDS SHALL EXPIRE; PROVIDED, HOWEVER, THAT THE BOARD OF FINANCE OF THE CITY, MAY AFTER A SHOWING OF GOOD CAUSE AT A PUBLIC HEARING HELD BEFORE THE BOARD OF FINANCE, EXTEND SUCH AUTHORIZATION FOR ONE ADDITIONAL TERM NOT TO EXCEED SIX MONTHS. THE BOARD OF FINANCE, IN ITS SOLE DISCRETION SHALL DETERMINE THE SUFFICIENCY, OR LACK THEREOF, OF THE REASONS PRESENTED FOR ANY REQUESTED EXTENSION OF THIS ORDINANCE. IF AN EXTENSION IS GRANTED, NOTICE OF SUCH EXTENSION AND THE REASONS THEREFOR MUST BE SENT TO THE CITY COUNCIL.

SEC. 19. *AND BE IT FURTHER ORDAINED*, THAT THIS ORDINANCE SHALL TAKE EFFECT FROM THE DATE OF THIS PASSAGE.

Approved June 19, 1981.

WILLIAM DONALD SCHAEFER, *Mayor*.



## No. 362

(Council No. 675)

## AN ORDINANCE concerning

SUPPLEMENTARY APPROPRIATION—  
DEPARTMENT OF HOSPITALS

FOR the purpose of providing a supplementary general fund appropriation in the amount of Four Million Dollars (\$4,000,000) to the Department of Hospitals to be used for payment of uncollectible charges to patients which could not reasonably be anticipated at the time of formulation of the proposed fiscal 1981 Ordinance of Estimates.

BY authority of

Article VI—Board of Estimates

Section 2(h)(3)

Baltimore City Charter (1964 Revision as amended)

WHEREAS, the money appropriated herein represents revenue produced by Interest Earnings on Investments in excess of the amount from this source estimated and relied upon by the Board of Estimates in determining the tax levy required to balance the budget for the 1981 fiscal year, and said money is therefore available for appropriation to the Department of Hospitals pursuant to the provisions of Article VI, Section 2(h)(3) of the Baltimore City Charter (1964 Revision as amended); and

WHEREAS, the additional sum here appropriated is for a program included in the current principal Ordinance of Estimates and is made necessary by a material change in circumstances since the formulation and adoption of such Ordinance, in accordance with Article VI, Section 2(h)(3) of said Charter; and

WHEREAS, the supplementary general fund appropriation ordained herein has been recommended to the City Council by the Board of Estimates, said recommendation having been made at a regular meeting of said Board held on the 13th day of May, 1981, all in accordance with Article VI, Section 2(h)(3) of said Charter.

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That under the provisions of Article VI, Section 2 of the 1964 revision of the Charter of Baltimore City, the sum of Four Million Dollars (\$4,000,000) shall be made available to the Department of Hospitals as a supplementary general fund appropriation for the fiscal year ending June 30, 1981, for the purpose of payment of uncollectible charges to patients which could not reasonably be anticipated at the time of formulation of the proposed fiscal 1981 Ordinance of Estimates. The amount thus made available as a supplementary general fund appropriation shall be expended from revenue derived from Interest Earnings on Investments in excess of the amount from this source which was estimated or relied upon by the Board of Estimates in determining the tax levy required to balance the budget for the 1981 fiscal year; and said funds from said Interest Earnings on Investments shall be the source of revenue for this supplementary general fund appropriation, as required by Article VI, Section 2 of the Baltimore City Charter (1964 Revision as amended).

SEC. 2. *And be it further ordained*, That this ordinance shall take effect from the date of its passage.

Approved June 19, 1981.

WILLIAM DONALD SCHAEFER, *Mayor*.

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No. 363

(Council No. 676)

AN ORDINANCE concerning

SUPPLEMENTARY APPROPRIATION—  
ENOCH PRATT FREE LIBRARY

FOR the purpose of providing a supplementary general fund appropriation in the amount of Twenty-Two Thousand Dollars (\$22,000) to the Enoch Pratt Free Library to be used for additional operating expenses.

BY authority of

Article VI—Board of Estimates

Section 2(h) (3)

Baltimore City Charter (1964 Revision as amended)

WHEREAS, the money appropriated herein represents revenue produced by State Aid for the Enoch Pratt Free Library in excess of the amount from this source which was estimated and relied upon by the Board of Estimates in determining the tax levy required to balance the budget for the 1981 fiscal year, and said money is therefore available for appropriation to the Enoch Pratt Free Library, pursuant to the provisions of Article VI, Section 2(h) (3) of the Baltimore City Charter (1964 Revision as amended); and

WHEREAS, the additional sum here appropriated is for a program included in the current principal Ordinance of Estimates and is made necessary by a material change in circumstances since the formulation and adoption of such ordinance, in accordance with Article VI, Section 2(h) (3) of said Charter; and

WHEREAS, the supplementary general fund appropriation ordained herein has been recommended to the City Council by the Board of Estimates, said recommendation having been made at a regular meeting of said Board held on the 20th day of May, 1981, all in accordance with Article VI, Section 2(h) (3) of said Charter.

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That under the provisions of Article VI, Section 2(h) (3) of the 1964 revision of the Charter of Baltimore City, as amended, the sum of Twenty-Two Thousand Dollars (\$22,000) shall be made available to the Enoch Pratt Free Library as a supplementary general fund appropriation for the fiscal year ending June 30, 1981, for the purpose of additional operating expenses. The amount thus made available as a supplementary general fund appropriation shall be expended from revenue derived from State Aid for the Enoch Pratt Free Library in excess of the amount from this source which was estimated or relied upon in determining the tax levy required to balance the budget for the 1981 fiscal year; and said funds from said



State Aid for the Enoch Pratt Free Library shall be the source of revenue for this supplementary general fund appropriation, as required by Article VI, Section 2(h) (3) of the Baltimore City Charter (1964 Revision as amended).

SEC. 2. *And be it further ordained*, That this ordinance shall take effect from the date of its passage.

Approved June 19, 1981.

WILLIAM DONALD SCHAEFER, *Mayor*.

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No. 364

(Council No. 695)

AN ORDINANCE concerning

INDUSTRIAL DEVELOPMENT REVENUE  
BONDS—(THE JOHN D. LUCAS  
PRINTING COMPANY PROJECT)

FOR the purpose of authorizing and empowering Mayor and City Council of Baltimore to issue and sell, at any time or from time to time and in one or more series, as limited obligations of the City and not upon its full faith and credit, its industrial development revenue bonds, in the aggregate principal amount not to exceed \$1,200,000, pursuant to the provisions of Sub-section (50) of Article II of the Charter of Baltimore City (1964 Revision), as amended, for the sole and exclusive purpose of financing the costs of the completion by The John D. Lucas Printing Company, a Maryland corporation, of a certain project in Baltimore City consisting of the purchase and installation of a Miehle-Roland 804-6 sheet fed printing press; authorizing the Mayor of the City, on behalf of the City, to accept the letter of intent dated May 14, 1981 from The John D. Lucas Printing Company to the City; making certain legislative findings; authorizing and empowering the Board of Finance of the City, by a resolution or resolutions adopted prior to the issuance, sale and delivery of any series of such

bonds, to (a) prescribe, among other things but not limited to, the form, terms, provisions, manner or method of issuing and selling (including negotiated as well as competitive bid sale), and the time or times of issuance, and any and all other details of such bonds, and (b) do any and all things necessary, proper or expedient in connection with the issuance and sale of such bonds; providing that The John D. Lucas Printing Company shall agree to submit any plans and specifications to, and to coordinate with, the Department of Housing and Community Development in connection with the completion of such project; providing that such bonds (or bond anticipation notes issued in anticipation of the issuance of such bonds) must be issued and sold within six months from the date this Ordinance is approved by the Mayor, unless the Board of Finance approves one six month extension as provided in this Ordinance; authorizing the issuance of notes in anticipation of the issuance of such revenue bonds; and generally providing for and determining various matters and details in connection with the issuance and sale of such bonds and bond anticipation notes.

### RECITALS

Sub-section (50) of Article II of the Charter of Baltimore City (1964 Revision), as amended (the "Enabling Law"), empowers Mayor and City Council of Baltimore (the "City") to borrow money to finance undertakings for the accomplishment of any of the purposes, objects and powers of the City and in connection therewith to issue bonds, notes, or other obligations (including refunding bonds, notes or other obligations), all of which shall be fully negotiable, payable, as to both principal and interest, solely from and secured solely by a pledge of (I) the revenues from or arising in connection with the property, facilities, developments and improvements whose financing is undertaken by the issuance of such bonds, notes or other obligations, (II) the revenues from or arising in connection with any contracts, mortgages or other securities purchased or otherwise acquired with the proceeds of such bonds, notes or other obligations, (III) the contracts, mortgages or other securities pur-

chased or otherwise acquired with the proceeds of such bonds, notes or other obligations, or (IV) any combination of (I), (II) or (III). The purposes, objects and powers of the City contemplated by the Enabling Law include the relief of conditions of unemployment in Baltimore City, encouraging the increase of industry and a balanced economy in Baltimore City, promoting economic development in Baltimore City, and promoting the health, welfare and safety of the residents of Baltimore City.

The City has received a letter of intent dated May 14, 1981 (the "Letter of Intent") from The John D. Lucas Printing Company, a Maryland corporation (the "Borrower"), pursuant to which the Borrower has requested the City to participate in the financing of the costs of the completion by the Borrower of a certain project in Baltimore City, Maryland (the "Project"), by issuing and selling the City's industrial development revenue bonds in the aggregate principal amount not to exceed \$1,200,000 (the "Bonds"), and by making the proceeds of the Bonds available to the Borrower to be used by the Borrower for the sole and exclusive purpose of financing the costs of the completion of the Project by the Borrower.

The Project, which is an "undertaking" which will accomplish the purposes, objects and powers of the City as mentioned in the Enabling Law, will consist of the purchase and installation of a Miehle-Roland 804-6 sheet fed printing press.

The Enabling Law provides that the City may authorize and empower the Board of Finance of the City (the "Board") by resolution to determine and set forth the form, terms, provisions, manner or method of issuing and selling (including negotiated as well as competitive bid sale), and the time or times of issuance, and any and all other details of the Bonds and the issuance and sale thereof, and to do any and all things necessary, proper or expedient in connection with the issuance and sale of the Bonds.

NOW THEREFORE, IN ACCORDANCE WITH THE ENABLING LAW:



SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That acting pursuant to the Enabling Law, it is hereby found and determined as follows:

(1) The issuance and sale of the Bonds by the City pursuant to the Enabling Law in order to make the proceeds thereof available to the Borrower for the sole and exclusive purpose of financing the costs of completion of the Project will facilitate and expedite the completion of the Project by the Borrower.

(2) The completion of the Project by the Borrower and the financing of the costs of such completion as provided in this Ordinance will serve to promote the general purposes contemplated by the Enabling Law by (a) sustaining jobs and employment in Baltimore City; (b) promoting economic development in Baltimore City; (c) encouraging the increase of industry and a balanced economy in Baltimore City; and (d) enhancing technological revolution in the printing industry.

(3) Any and all of the Bonds shall not be general obligations of the City and shall not be a pledge of or involve the faith and credit or the taxing power of the City, and shall not constitute a debt of the City, all within the meaning of Section 7 of Article XI of the Constitution of Maryland or within the meaning of any other constitutional, statutory or charter provision limiting or restricting the sale or issuance of bonds, notes or other obligations of the City. All of the Bonds shall be limited obligations of the City, and shall be fully negotiable, payable, as to both principal and interest, solely from and secured solely by a pledge of (I) the revenues from or arising in connection with the Project, (II) the revenues from or arising in connection with any contracts, mortgages or other securities purchased or otherwise acquired with the proceeds of the Bonds, (III) the contracts, mortgages or other securities purchased or otherwise acquired with the proceeds of the Bonds, or (IV) any combination of (I), (II) or (III), all as the Board may approve by a resolution or resolutions adopted prior to the issuance, sale and delivery of any of the Bonds.

SEC. 2. *And be it further ordained*, That the City is hereby authorized and empowered to issue and sell, at any

time or from time to time and in one or more series, as limited obligations of the City and not upon its full faith and credit, its industrial development revenue bonds, in the aggregate principal amount not to exceed \$1,200,000, subject to the provisions of this Ordinance. The proceeds of the Bonds will be made available to the Borrower under terms and conditions approved by the Board and set forth in a Resolution, and used by the Borrower for the sole and exclusive purpose of financing the costs of the completion of the Project.

SEC. 3. *And be it further ordained*, That this Ordinance constitutes the present intent of the City to issue the Bonds, and the Mayor of the City is hereby authorized to accept the Letter of Intent on behalf of the City in order to further evidence the present intent of the City to issue the Bonds in accordance with the terms and provisions of this Ordinance.

SEC. 4. *And be it further ordained*, That, as permitted by the Enabling Law, the Board is hereby authorized and empowered, by a resolution or resolutions adopted prior to the issuance, sale and delivery of any of the Bonds, to:

(a) prescribe, among other things but not limited to, the form, terms, provisions, manner or method of issuing and selling (including negotiated as well as competitive bid sale), and the time or times of issuance, and any and all other details of the Bonds and the issuance and sale thereof;

(b) approve (i) the pledge or assignment by the City of any of the security described in Section 5 of this Ordinance, pursuant to a trust agreement or similar agreement, (ii) the form of any such trust agreement or similar agreement, as provided in the Enabling Law, and (iii) such provisions in any such trust agreement or similar agreement as the Board may deem reasonable and proper for the security of the holders of the Bonds;

(c) approve the terms and conditions, including but not limited to the terms and conditions of any documents to be executed and delivered by the City (other than customary financing statements and closing certificates), un-

der which the proceeds of the Bonds will be made available to the Borrower to finance the costs of the completion of the Project; and

(d) do any and all things necessary, proper or expedient in connection with the issuance, sale and delivery of the Bonds.

SEC. 5. *And be it further ordained*, That any and all of the Bonds shall not be general obligations of the City and shall not be a pledge of or involve the faith and credit or the taxing power of the City, and shall not constitute a debt of the City, all within the meaning of Section 7 of Article XI of the Constitution of Maryland or any other constitutional, statutory or charter provision limiting or restricting the sale or issuance of bonds, notes or other obligations of the City. All of the Bonds shall be limited obligations of the City, and shall be fully negotiable, payable, as to both principal and interest, solely from and secured solely by a pledge of (I) the revenues from or arising in connection with the Project, (II) the revenues from or arising in connection with any contracts, mortgages or other securities purchased or otherwise acquired with the proceeds of the Bonds, (III) the contracts, mortgages or other securities purchased or otherwise acquired with the proceeds of the Bonds, or (IV) any combination of (I), (II) or (III), all as the Board may approve by a resolution or resolutions adopted prior to the issuance, sale and delivery of any of the Bonds.

SEC. 6. *And be it further ordained*, That the Borrower shall agree that:

(a) it will submit any plans and specifications for the Project to the Department of Housing and Community Development for approval, and that the Department of Housing and Community Development may refuse approval of any plans and specifications for aesthetic or functional reasons; and

(b) it and its developers will work with the design advisory group appointed by the Department of Housing and Community Development in order to achieve high quality site, building, and landscape design.



SEC. 7. *And be it further ordained,* That any and all of the Bonds shall be executed in the name of the City and on its behalf by the Mayor of the City, by his manual or facsimile signature, and by the Director of Finance of the City, by his manual or facsimile signature, and the corporate seal of the City or a facsimile thereof shall be impressed or otherwise reproduced thereon and attested by the Custodian of the City Seal, by his manual signature. Any trust agreement or other documents as the Board shall deem necessary to effectuate the issuance, sale and delivery of the Bonds shall be executed in the name of the City and on its behalf by the Mayor of the City by his manual or facsimile signature, and the corporate seal of the City or a facsimile thereof shall be impressed or otherwise reproduced thereon and attested by the Custodian of the City Seal by his manual signature. In case any officer whose signature or a facsimile of whose signature shall appear on the Bonds or any of the aforesaid documents shall cease to be such officer before the delivery of the Bonds or any of the other aforesaid documents, such signature or such facsimile shall nevertheless be valid and sufficient for all purposes, the same as if such officer had remained in office until delivery. The Mayor of the City, the Director of Finance of the City, the Custodian of the City Seal and other officials of the City are hereby authorized and empowered to do all such acts and things and execute such documents and certificates as the Board may determine by resolution to be necessary to carry out and comply with the provisions hereof.

SEC. 8. *And be it further ordained,* That any and all necessary financing statements required for the consummation of the transactions authorized by this Ordinance may be executed on behalf of the City by the Mayor of the City or by the Chief, Bureau of Treasury Management of the City or by such other appropriate official of the City as may be designated by the Mayor of the City to execute such financing statements.

SEC. 9. *And be it further ordained,* That the authority to issue the Bonds is intended and shall be deemed to include the authority to issue bond anticipation notes pursuant to Section 12 of Article 31 of the Annotated Code of Mary-

land (1976 Replacement Volume and 1980 Cumulative Supplement), as amended (the "Bond Anticipation Note Enabling Legislation"). Reference in this Ordinance to the "Bonds" shall include such bond anticipation notes where appropriate. Prior to the issuance, sale and delivery of any series of bond anticipation notes, the Board shall adopt a resolution or resolutions, to:

(a) prescribe, among other things but not limited to, the form, terms, provisions, manner or method of issuing and selling (including negotiated as well as competitive bid sale), and the time or times of issuance, and any and all other details of such bond anticipation notes and the issuance and sale thereof;

(b) approve (i) the pledge or assignment by the City of any of the security described in Section 5 of this Ordinance, pursuant to a trust agreement or similar agreement, (ii) the form of any such trust agreement or similar agreement, as provided in the Enabling Law, and (iii) such provisions in any such trust agreement or similar agreement as the Board may deem reasonable and proper for the security of the holders of such bond anticipation notes;

(c) approve the terms and conditions, including but not limited to the terms and conditions of any documents to be executed and delivered by the City (other than customary financing statements and closing certificates), under which the proceeds of such bond anticipation notes will be made available to the Borrower to finance the costs of the completion of the Project; and

(d) do any and all things necessary, proper or expedient in connection with the issuance, sale and delivery of such bond anticipation notes.

In accordance with the Bond Anticipation Note Enabling Legislation, the City hereby covenants to pay any bond anticipation notes issued pursuant to this Section of this Ordinance and the interest thereon from the proceeds of the Bonds in anticipation of the sale of which such notes are issued, and the City hereby further covenants to issue such Bonds, as the case may be, when, and as soon as, the reason for deferring the issuance of the Bonds no longer

exists. The timely issuance of such Bonds, however, is dependent upon matters not within the control of the City, including (without limitation) the existence of a purchaser or purchasers for such Bonds at the time the reason for deferring the issuance of the Bonds no longer exists and the effectiveness of various actions taken by the Borrower, its officers, agents and employees.

SEC. 10. *And be it further ordained*, That the provisions of this Ordinance are severable, and if any provision, sentence, clause, section or part hereof is held illegal, invalid or unconstitutional or inapplicable to any person or circumstances, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this Ordinance or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this Ordinance would have been passed if such illegal, invalid or unconstitutional provision, sentence, clause, section or part had not been included herein, and if the person or circumstances to which this Ordinance or any part hereof are inapplicable had been specifically exempted herefrom.

SEC. 11. *And be it further ordained*, That either the Bonds or bond anticipation notes issued pursuant to Section 9 of this Ordinance in anticipation of the issuance of the Bonds must be issued and sold within six months from the date on which this Ordinance is approved by the Mayor of the City; provided, however, that the Board, after a showing of good cause at a public hearing held before the Board prior to or after the expiration of such six month period, may extend the period during which either the Bonds or such bond anticipation notes may be issued and sold for one additional term not to exceed six months from the date on which the first six month period expired. The Board, in its sole discretion, and without action by the City Council, shall determine the sufficiency, or lack thereof, of the reasons presented for any requested extension of the six month period. If an extension is granted, notice of such extension and the reasons therefor must be sent to the City Council. To the extent that neither the Bonds nor such bond anticipation notes are issued and



sold within twelve months from the date on which this Ordinance is approved by the Mayor of the City, the authority provided in this Ordinance for the City to issue and sell the Bonds and such bond anticipation notes shall expire.

SEC. 12. *And be it further ordained*, That this Ordinance shall take effect from the date of its passage.

Approved June 19, 1981.

WILLIAM DONALD SCHAEFER, *Mayor*.

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No. 365

(Council No. 510)

AN ORDINANCE concerning

ZONING—APPROVAL FOR CONDITIONAL USE  
DRUG ABUSE TREATMENT CENTER

FOR the purpose of granting permission for the establishment, maintenance and operation of a drug abuse rehabilitation and treatment center on THE SECOND FLOOR OF the property located at 914 West 36th Street as outlined in red on the plats accompanying this ordinance, subject to the condition of continuing certification by the State of Maryland Drug Abuse Administration.

BY authority of

Article 30—Zoning

Sections 6.2-1d and 11.0-6d

Baltimore City Code (1976 Edition, as amended)

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That permission is hereby granted for the establishment, maintenance and operation of a drug abuse rehabilitation and treatment center on THE SECOND FLOOR OF the property located at 914 West 36th Street, as outlined in red on the plats accompanying this ordinance,

under the provisions of Sections 6.2-1d and 11.0-6d of Article 30 of the Baltimore City Code (1976 Edition, as amended) title "Zoning", subject to the condition of continuing certification by the State of Maryland Drug Abuse Administration.

SEC. 2. *And be it further ordained*, That upon passage of this ordinance by the City Council, as evidence of the authenticity of the plat which is a part hereof and in order to give notice to the departments which are administering the Zoning Ordinance, the President of the City Council shall sign the plat and when the Mayor approves the ordinance, he shall sign the plat. The Director of Finance shall then transmit a copy of the ordinance and one of the plats to the following: the Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of the Department of Housing and Community Development and the Zoning Administrator.

SEC. 3. *And be it further ordained*, That this ordinance shall take effect ~~thirty days~~ from the date of its passage.

Approved June 22, 1981.

WILLIAM DONALD SCHAEFER, *Mayor*.

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No. 366

(Council No. 616)

AN ORDINANCE concerning

TAXES—~~DISCOUNTS~~ AND PENALTIES

FOR the purpose of increasing the ~~discounts and~~ penalties for municipal taxes commencing July 1, 1981.

BY repealing and reordaining with amendments

Article 28—Taxes

~~Section~~ SECTIONS ~~11~~ & 12, 13 & 15

Baltimore City Code (1976 Edition, as amended)

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That section(s) of the Baltimore City Code (1976 Edition, as amended) be added, repealed, or amended, to read as follows:

## Article 28—TAXES

### Discounts, Penalties, and Interest

#### 11. Discounts authorized; rates.

The Director of Finance is hereby authorized and directed to allow on all bills for taxes for municipal purposes for real estate, chattels real and personal property levied and imposed for the taxable year beginning July 1, ~~[1969]~~ 1981, and for each taxable year thereafter, a discount of ~~[one per centum (1%)]~~ *two per centum (2%)* if paid on or before the 31st day of July, and a discount of ~~[one half of one per centum (1½%)]~~ *one per centum (1%)* if paid on or before the 31st of August.

#### 12. Penalties and interest imposed.

(a) For all municipal taxes becoming due and payable or which are overdue and in arrears on and after the 1st day of July, ~~[1973]~~ 1981 there are hereby imposed the following penalties, which include interest at the rate of eight per centum per annum, as prescribed in Section 48(e) of Article 81 of the Annotated Code of Maryland (~~[1969]~~ 1980 Replacement Volume ~~[and 1972 Supplement]~~) on all such municipal taxes becoming in arrears, the same to be imposed in or for the year for which such taxes were levied.

One and ~~[one-third per centum (1⅓%)]~~ *two-thirds per centum (1⅔%)* on October 1 on taxes remaining unpaid at the end of the month of September; ~~[two and two-thirds per centum (2⅔%)]~~ *three and one-third per centum (3⅓%)* on November 1 on taxes remaining unpaid at the end of the month of October; ~~[four per centum (4%)]~~ *five per centum (5%)* on December 1 on taxes remaining unpaid at the end of the month of November; ~~[five and one-third per centum (5⅓%)]~~ *six and two-thirds per centum (6⅔%)* on January 1 on taxes remaining unpaid at the end of the month of December; ~~[six and two-thirds~~



per centum ( $6\frac{2}{3}\%$ )] *eight and one-third per centum* ( $8\frac{1}{3}\%$ ) on February 1 on taxes remaining unpaid at the end of the month of January; [eight per centum ( $8\%$ )] *ten per centum* ( $10\%$ ) on March 1 on taxes remaining unpaid at the end of the month of February; [nine and one-third per centum ( $9\frac{1}{3}\%$ )] *eleven and two-thirds per centum* ( $11\frac{2}{3}\%$ ) on April 1 on taxes remaining unpaid at the end of the month of March; [ten and two-thirds per centum ( $10\frac{2}{3}\%$ )] *thirteen and one-third per centum* ( $13\frac{1}{3}\%$ ) on May 1 on taxes remaining unpaid at the end of the month of April; [twelve per centum ( $12\%$ )] *fifteen per centum* ( $15\%$ ) on June 1 on taxes remaining unpaid at the end of the month of May; thereafter, in addition to the foregoing penalties, a penalty at the rate of one and [one-third] *two-thirds* per centum per month which includes interest at the rate of eight per centum per annum, as prescribed by said Section 48(e) of Article 81 of the Annotated Code of Maryland ([1969] 1980 Replacement Volume [and 1972 Supplement]), shall be imposed until said taxes are paid. The foregoing rates as stipulated in this paragraph shall apply to all taxes based upon assessments reported to the Director of Finance provided that the bill therefor is rendered on or before August 31 in the taxable year for which such taxes apply. Taxes based upon assessments reported to the Director of Finance, bills for which are rendered after August 31, in the taxable year for which such taxes apply, will be considered delinquent thirty (30) days after the date of the bill therefor. Such bills, if not paid within the thirty-day period, will be subject to the following penalties, including interest at the rate of eight per centum per annum, as prescribed by said Section 48(e) of Article 81 of the Annotated Code of Maryland ([1969] 1980 Replacement Volume [and 1972 Supplement]):

| No. of Days after Date of Bill<br>when Payment is Received by<br>Director of Finance | Penalty including Interest<br>at the Rate of 8% Per<br>Annum |                   |
|--------------------------------------------------------------------------------------|--------------------------------------------------------------|-------------------|
| 31 days to 60 days .....                                                             | [ $11\frac{1}{3}\%$ ]                                        | $12\frac{2}{3}\%$ |
| 61 days to 90 days .....                                                             | [ $22\frac{2}{3}\%$ ]                                        | $31\frac{1}{3}\%$ |
| 91 days to 120 days .....                                                            | [4%]                                                         | 5%                |
| 121 days to 150 days .....                                                           | [ $51\frac{1}{3}\%$ ]                                        | $62\frac{2}{3}\%$ |
| 151 days to 180 days .....                                                           | [ $62\frac{2}{3}\%$ ]                                        | $81\frac{1}{3}\%$ |

|                               |                                                                                                                                                                      |                    |
|-------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|
| 181 days to 210 days .....    | <b>[8%]</b>                                                                                                                                                          | 10%                |
| 211 days to 240 days .....    | <b>[9<math>\frac{1}{3}</math>%]</b>                                                                                                                                  | 11 $\frac{2}{3}$ % |
| 241 days to 270 days .....    | <b>[10<math>\frac{2}{3}</math>%]</b>                                                                                                                                 | 13 $\frac{1}{3}$ % |
| 271 days to 300 days .....    | <b>[12%]</b>                                                                                                                                                         | 15%                |
| 301 days and thereafter ..... | In addition to above,<br>penalty of <b>[11<math>\frac{1}{3}</math>%]</b> 12 $\frac{2}{3}$ %<br>per month, which includes<br>interest at the rate of<br>8% per annum. |                    |

(b) In all instances of escaped or omitted property the penalties and interest herein provided shall be added to the bill for the current year and back years in the same manner as if such property had not escaped or been omitted.

(c) The penalties and interest provided for shall be added to the bill for taxes itself and collected by the Director of Finance in the same manner as taxes are collected.

### 13. QUARTER-ANNUAL DATE & FINALITY; DISCOUNTS AND PENALTIES.

THE DIRECTOR OF FINANCE IS HEREBY AUTHORIZED AND DIRECTED TO ALLOW OR IMPOSE, AS THE CASE MAY BE, ON ALL BILLS FOR TAXES FOR MUNICIPAL PURPOSES ON REAL PROPERTY WHICH HAVE BEEN ASSESSED AS OF A QUARTER-ANNUAL DATE OF FINALITY, AND FOR WHICH TAXES HAVE BEEN LEVIED FOR THE PERIOD OCTOBER 1, **[1973]** 1981, THROUGH JUNE 30, **[1974]** 1982, AND FOR EACH LIKE PERIOD IN EVERY FISCAL YEAR THEREAFTER;

(A) A DISCOUNT OF ONE PER CENTUM (1%) IF PAID ON OR BEFORE THE 31ST DAY OF OCTOBER OF SUCH FISCAL YEAR AND A DISCOUNT OF ONE HALF OF ONE PER CENTUM ( $\frac{1}{2}$ %) IF PAID ON OR BEFORE THE 30TH DAY OF NOVEMBER OF SUCH FISCAL YEAR.

(B) PENALTIES, WHICH INCLUDE INTEREST AT THE RATE OF EIGHT PER CENTUM (8%) PER ANNUM, AS PRESCRIBED BY SECTION 50 OF ARTICLE 81 OF THE ANNOTATED CODE OF MARYLAND (**[1969]** 1980 REPLACEMENT VOLUME AS FOLLOWS:

ONE AND **[ONE-THIRD PER CENTUM (1 $\frac{1}{3}$ %)]**  
TWO-THIRDS PER CENTUM (1 $\frac{2}{3}$ %) ON JANUARY 1

ON TAXES REMAINING UNPAID AT THE END OF THE MONTH OF DECEMBER; **[TWO AND TWO-THIRDS PER CENTUM ( $2\frac{2}{3}\%$ )]** *THREE AND ONE-THIRD PER CENTUM ( $3\frac{1}{3}\%$ )* ON FEBRUARY 1 ON TAXES REMAINING UNPAID AT THE END OF THE MONTH OF JANUARY; **[FOUR PER CENTUM (4%)]** *FIVE PER CENTUM (5%)* ON MARCH 1 ON TAXES REMAINING UNPAID AT THE END OF THE MONTH OF FEBRUARY; **[FIVE AND ONE-THIRD PER CENTUM ( $5\frac{1}{3}\%$ )]** *SIX AND TWO-THIRDS PER CENTUM ( $6\frac{2}{3}\%$ )* ON APRIL 1 ON TAXES REMAINING UNPAID AT THE END OF THE MONTH OF MARCH; **[SIX AND TWO-THIRDS PER CENTUM ( $6\frac{2}{3}\%$ )]** *EIGHT AND ONE-THIRD PER CENTUM ( $8\frac{1}{3}\%$ )* ON MAY 1 ON TAXES REMAINING UNPAID AT THE END OF THE MONTH OF APRIL; **[EIGHT PER CENTUM (8%)]** *TEN PER CENTUM (10%)* ON JUNE 1 ON TAXES REMAINING UNPAID AT THE END OF THE MONTH OF MAY. THEREAFTER, IN ADDITION, ONE AND **[ONE-THIRD PER CENTUM ( $1\frac{1}{3}\%$ )]** *TWO THIRDS PER CENTUM ( $1\frac{2}{3}\%$ )* PER MONTH UNTIL SAID TAXES ARE PAID. THE FOREGOING RATES AS STIPULATED IN THIS SUBPARAGRAPH SHALL APPLY TO ALL TAXES BASED UPON QUARTER-ANNUAL ASSESSMENTS REPORTS TO THE DIRECTOR OF FINANCE, PROVIDED THAT THE BILL THEREFOR IS RENDERED ON OR BEFORE DECEMBER 1 IN THE TAXABLE YEAR FOR WHICH SUCH TAXES APPLY, TAXES BASED UPON QUARTER ANNUAL ASSESSMENTS REPORTED TO THE DIRECTOR OF FINANCE FOR WHICH BILLS ARE RENDERED AFTER DECEMBER 1ST IN THE TAXABLE YEAR FOR WHICH SUCH TAXES APPLY WILL BE CONSIDERED DELINQUENT THIRTY (30) DAYS AFTER THE DATE OF THE BILL THEREFOR. SUCH BILLS, IF NOT PAID WITHIN THE THIRTY-DAY PERIOD, WILL BE SUBJECT TO THE FOLLOWING PENALTIES, INCLUDING INTEREST AT THE RATE OF EIGHT PER CENTUM (8%) PER ANNUM, AS PRESCRIBED BY SAID SECTION 50 OF ARTICLE 81 OF THE ANNOTATED CODE OF MARYLAND (**[1969]** 1980 REPLACEMENT VOLUME):



NO. OF DAYS AFTER  
DATE OF BILL WHEN  
PAYMENT IS RE-  
CEIVED BY  
DIRECTOR OF  
FINANCE

PENALTY  
INCLUDING  
INTEREST  
AT THE RATE  
OF 8% PER  
ANNUM

|                             |                                                                                                                                                        |                   |
|-----------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------|
| 31 DAYS TO 60 DAYS .....    | [1 $\frac{1}{3}$ %]                                                                                                                                    | 1 $\frac{2}{3}$ % |
| 61 DAYS TO 90 DAYS .....    | [2 $\frac{2}{3}$ %]                                                                                                                                    | 3 $\frac{1}{3}$ % |
| 91 DAYS TO 120 DAYS .....   | [4%]                                                                                                                                                   | 5%                |
| 121 DAYS TO 150 DAYS .....  | [5 $\frac{1}{3}$ %]                                                                                                                                    | 6 $\frac{2}{3}$ % |
| 151 DAYS TO 180 DAYS .....  | [6 $\frac{2}{3}$ %]                                                                                                                                    | 8 $\frac{1}{3}$ % |
| 181 DAYS TO 210 DAYS .....  | [8%]                                                                                                                                                   | 10%               |
| 211 DAYS AND THEREAFTER ... | IN ADDITION TO<br>ABOVE PENALTY OF<br>[1 $\frac{1}{3}$ %] 1 $\frac{2}{3}$ % PER<br>MONTH WHICH<br>INCLUDES INTEREST<br>AT THE RATE OF<br>8% PER ANNUM. |                   |

(C) IN ALL INSTANCES OF ESCAPED OR OMITTED PROPERTY, THE PENALTIES AND INTEREST HEREIN PROVIDED SHALL BE ADDED TO THE BILLS FOR THE CURRENT YEAR AND BACK YEARS IN THE SAME MANNER AS IF SUCH PROPERTY HAD NOT ESCAPED OR BEEN OMITTED.

(D) THE PENALTIES AND INTEREST PROVIDED FOR SHALL BE ADDED TO THE BILL FOR TAXES ITSELF AND COLLECTED BY THE DIRECTOR OF FINANCE IN THE SAME MANNER AS TAXES ARE COLLECTED.

# 15. SEMI-ANNUAL DATE OF FINALITY; DISCOUNTS AND PENALTIES.

ANYTHING CONTAINED IN SECTION 11 OR 12 OF THIS ARTICLE 28 TO THE CONTRARY NOTWITHSTANDING, THE DIRECTOR OF FINANCE IS HEREBY AUTHORIZED AND DIRECTED TO ALLOW OR IMPOSE, AS THE CASE MAY BE, ON ALL BILLS FOR TAXES FOR MUNICIPAL PURPOSES ON REAL PROPERTY WHICH HAVE BEEN ASSESSED AS OF A SEMI-ANNUAL DATE OF FINALITY, AND FOR

WHICH TAXES HAVE BEEN LEVIED FOR THE PERIOD JANUARY 1, [1974] 1982 THROUGH JUNE 30, [1974] 1982, AND FOR EACH LIKE PERIOD IN EVERY FISCAL YEAR THEREAFTER:

(A) A DISCOUNT OF ONE PER CENTUM (1%) IF PAID ON OR BEFORE THE LAST DAY OF JANUARY OF SUCH FISCAL YEAR AND A DISCOUNT OF ONE HALF OF ONE PER CENTUM ( $\frac{1}{2}\%$ ) IF PAID ON OR BEFORE THE LAST DAY OF FEBRUARY OF SUCH FISCAL YEAR.

(B) PENALTIES, WHICH INTEREST AT THE RATE OF EIGHT PER CENTUM (8%) PER ANNUM, AS PRESCRIBED BY SECTION 50 OF ARTICLE 81 OF THE ANNOTATED CODE OF MARYLAND ([1969] 1980 REPLACEMENT VOLUME) AS FOLLOWS:

(1) ONE AND [ONE-THIRD PER CENTUM ( $1\frac{1}{3}\%$ )] *TWO-THIRDS PER CENTUM ( $1\frac{2}{3}\%$ )* ON APRIL 1 ON TAXES REMAINING UNPAID AT THE END OF THE MONTH OF MARCH; [TWO AND TWO-THIRDS PER CENTUM ( $2\frac{2}{3}\%$ )] *THREE AND ONE-THIRD PER CENTUM ( $3\frac{1}{3}\%$ )* ON MAY 1 ON TAXES REMAINING UNPAID AT THE END OF THE MONTH OF APRIL; [FOUR PER CENTUM (4%)] *FIVE PER CENTUM (5%)* ON JUNE 1 ON TAXES REMAINING UNPAID AT THE END OF THE MONTH OF MAY; [FIVE AND ONE-THIRD PER CENTUM ( $5\frac{1}{3}\%$ )] *SIX AND TWO-THIRDS PER CENTUM ( $6\frac{2}{3}\%$ )* ON JULY 1 ON TAXES REMAINING UNPAID AT THE END OF THE MONTH OF JUNE; [SIX AND TWO-THIRDS PER CENTUM ( $6\frac{2}{3}\%$ )] *EIGHT AND ONE-THIRD PER CENTUM ( $8\frac{1}{3}\%$ )* ON AUGUST 1 ON TAXES REMAINING UNPAID AT THE END OF THE MONTH OF JULY; [EIGHT PER CENTUM (8%)] *TEN PER CENTUM (10%)* ON SEPTEMBER 1 ON TAXES REMAINING UNPAID AT THE END OF THE MONTH OF AUGUST; [NINE AND ONE-THIRD PER CENTUM ( $9\frac{1}{3}\%$ )] *ELEVEN AND TWO-THIRDS PER CENTUM ( $11\frac{2}{3}\%$ )* ON OCTOBER 1 ON TAXES REMAINING UNPAID AT THE END OF THE MONTH OF SEPTEMBER. THEREAFTER, IN ADDITION, ONE AND [ONE-THIRD PER CENTUM ( $1\frac{1}{3}\%$ )] *TWO-THIRDS PER CENTUM*

(1 $\frac{2}{3}$ %) PER MONTH UNTIL SAID TAXES ARE PAID. THE FOREGOING RATES AS STIPULATED IN THIS SUBPARAGRAPH SHALL APPLY TO ALL TAXES BASED UPON SEMI-ANNUAL ASSESSMENTS REPORTED TO THE DIRECTOR OF FINANCE, PROVIDED THAT THE BILL THEREFOR IS RENDERED ON OR BEFORE MARCH 1 IN THE TAXABLE YEAR FOR WHICH SUCH TAXES APPLY. TAXES BASED UPON SEMI-ANNUAL ASSESSMENTS REPORTED TO THE DIRECTOR OF FINANCE, BILLS FOR WHICH ARE RENDERED AFTER MARCH 1 IN THE TAXABLE YEAR FOR WHICH SUCH TAXES APPLY, WILL BE CONSIDERED DELINQUENT THIRTY (30) DAYS AFTER THE DATE OF THE BILL THEREFOR. SUCH BILLS, IF NOT PAID WITHIN THE THIRTY-DAY PERIOD, WILL BE SUBJECT TO THE FOLLOWING PENALTIES, INCLUDING INTEREST AT THE RATE OF EIGHT PER CENTUM (8%) PER ANNUM, AS PRESCRIBED BY SAID SECTION 50 OF ARTICLE 81 OF THE ANNOTATED CODE OF MARYLAND [1969] 1980 REPLACEMENT VOLUME AS FOLLOWS:

| NO. OF DAYS AFTER<br>DATE OF BILL WHEN<br>PAYMENT IS RECEIVED BY<br>DIRECTOR OF<br>FINANCE | PENALTY<br>INCLUDING<br>INTEREST<br>AT THE RATE<br>OF 8% PER<br>ANNUM                                                                                     |
|--------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------|
| 31 DAYS TO 60 DAYS .....                                                                   | [1 $\frac{1}{3}$ %] 1 $\frac{2}{3}$ %                                                                                                                     |
| 61 DAYS TO 90 DAYS .....                                                                   | [2 $\frac{2}{3}$ %] 3 $\frac{1}{3}$ %                                                                                                                     |
| 91 DAYS TO 120 DAYS .....                                                                  | [4%] 5%                                                                                                                                                   |
| 121 DAYS TO 150 DAYS .....                                                                 | [5 $\frac{1}{3}$ %] 6 $\frac{2}{3}$ %                                                                                                                     |
| 151 DAYS TO 180 DAYS .....                                                                 | [6 $\frac{2}{3}$ %] 8 $\frac{1}{3}$ %                                                                                                                     |
| 181 DAYS TO 210 DAYS .....                                                                 | [8%] 10%                                                                                                                                                  |
| 211 DAYS TO 240 DAYS .....                                                                 | [9 $\frac{1}{3}$ %] 11 $\frac{2}{3}$ %                                                                                                                    |
| 241 DAYS AND THEREAFTER ....                                                               | IN ADDITION TO<br>ABOVE, PENALTY OF<br>[11 $\frac{1}{3}$ %] 12 $\frac{2}{3}$ % PER<br>MONTH WHICH<br>INCLUDES INTEREST<br>AT THE RATE OF<br>8% PER ANNUM. |



(2) IN ALL INSTANCES OF ESCAPED OR OMITTED PROPERTY, THE PENALTIES AND INTEREST HEREIN PROVIDED SHALL BE ADDED TO THE BILLS FOR THE CURRENT YEAR AND BACK YEARS IN THE SAME MANNER AS IF SUCH PROPERTY HAD NOT ESCAPED OR BEEN OMITTED.

(C) THE PENALTIES AND INTEREST PROVIDED FOR SHALL BE ADDED TO THE BILL FOR TAXES ITSELF AND COLLECTED BY THE DIRECTOR OF FINANCE IN THE SAME MANNER AS TAXES ARE COLLECTED.

SEC. 2. *And be it further ordained*, That this ordinance shall take effect upon the date of its passage.

Approved June 29, 1981.

WILLIAM DONALD SCHAEFER, *Mayor*.

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No. 367

(Council No. 408)

AN ORDINANCE concerning

TRANSFER TAX—PROOF OF PURCHASE PRICE

FOR the purpose of requiring written proof of the purchase price of property and increasing the penalty for violations of the provisions of the subtitle.

BY amending

Article 28—Taxes

Subtitle—Transfer Tax

Sections 68 (b) (1) and 68 (m)

Baltimore City Code (1976 Edition, as amended)

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That Sections 68 (b) (1) and 68 (m) of Article 28 of the Baltimore City Code (1976 Edition, as amended) be and they are hereby repealed and reordained with amendments to read as follows:

## TRANSFER TAX

## 68. Provisions.

(b) Taxable basis. (1) the term "taxable basis" as used in this subtitle, except as provided in subparagraphs (2), (3) and (4) hereof, shall mean the cash consideration and/or the value of any other consideration paid and/or agreed to be paid, for the property transferred, including the amount of any liens or encumbrances upon such property, except current property taxes and other municipal charges. Such cash consideration, plus the value of any other consideration paid or agreed to be paid for the property transferred, including the amount of any such liens or encumbrances upon the property transferred, shall be stated in writing, under oath, upon personal knowledge of the informant, on forms to be furnished by the Director of Finance, which shall contain a declaration, preceding the signature of the informant, to the effect that it is made under the penalties of perjury. *This affidavit shall not be accepted by the Director of Finance unless it is accompanied by written proof of the purchase price for the property. Written proof shall be a copy of the contract of sale and the settlement sheet or such other document deemed adequate by the Director of Finance.* **WRITTEN PROOF SHALL BE A COPY OF THE SETTLEMENT SHEET AND/OR CONTRACT OF SALE AND/OR SUCH OTHER DOCUMENTS DEEMED ADEQUATE BY THE DIRECTOR OF FINANCE.** [Such written statement] *These papers* properly completed and signed, shall be filed with the Director of Finance at the time that the tax levied and imposed hereunder is paid.

(m) Penalties. Any person or other legal entity who:

(1) wilfully offers to the Clerk of the Superior Court of Baltimore City for recordation, or who has recorded any written instrument intending to effect a transfer subject to the tax levied and imposed under this subtitle without first having paid the tax imposed by this subtitle; or

(2) wilfully misrepresents the amount of value of the consideration constituting the taxable basis in a transfer of property subject to the tax levied and imposed under this subtitle; or

(3) participates or aids in any manner in the evasion of the tax levied and imposed by this subtitle; or

(4) wilfully violates any of the rules or regulations made, adopted or promulgated by the Director of Finance under the provisions of this subtitle; or

(5) wilfully violates any of the provisions of this subtitle; shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than [two hundred dollars (\$200.00)] *five hundred dollars (\$500.00)* for each and every such offense.

SEC. 2. *And be it further ordained*, That this ordinance shall take effect thirty days from the date of its passage.

Approved June 30, 1981.

WILLIAM DONALD SCHAEFER, *Mayor*.

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No. 368

(Council No. 437)

AN ORDINANCE concerning

PARKING—TAX

FOR the purpose of increasing the rates of the parking tax for motor vehicles. ~~AND PROVIDING THAT THE INTENT OF THE CITY COUNCIL IS THAT THE ADDITIONAL REVENUES SHALL BE USED FOR A NON-PROFIT COOPERATIVE HOUSING PROGRAM; AND CONTAINING A CONTINGENT EXPIRY CLAUSE.~~

BY amending

Article 28—Taxes

Subtitle—Parking Tax

Section 73 (b)

Baltimore City Code (1976 Edition, as amended)

~~WHEREAS, IT IS THE INTENTION OF THE CITY COUNCIL TO RAISE THE TAX FOR PARKING A~~



MOTOR VEHICLE IN OR ON ANY PARKING LOT OR GARAGE BY FIVE CENTS (\$.05) FOR EACH TWENTY-FOUR (24) HOUR PERIOD OR ANY FRACTION THEREOF, BY TWENTY-FIVE CENTS (\$.25) WHEN THE CHARGE FOR PARKING IS ON A WEEKLY BASIS, AND BY ONE DOLLAR (\$1.00) WHEN THE CHARGE FOR PARKING IS ON A MONTHLY BASIS, THE PROCEEDS OF THE INCREASE TO BE USED FOR THE OPERATION OF A NON-PROFIT COOPERATIVE HOUSING PROGRAM TO BE ESTABLISHED UNDER THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT; AND

WHEREAS, IT IS THE EXPECTATION OF THE CITY COUNCIL THAT THE BOARD OF ESTIMATES WILL RECOMMEND APPROPRIATION OF THESE ADDITIONAL REVENUES DURING FISCAL 1982 BY MEANS OF A SUPPLEMENTAL APPROPRIATION TO THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT; AND

WHEREAS, IT IS ALSO THE INTENT OF THE CITY COUNCIL THAT THE INCREASE IN PARKING TAX PROVIDED BY THIS ORDINANCE SHALL NOT TAKE EFFECT IN THE ABSENCE OF AN APPROPRIATION OF THE ADDITIONAL REVENUES TO THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT; NOW THEREFORE

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That Section 73 (b) of Article 28 of the Baltimore City Code (1976 Edition, as amended), title "Taxes", subtitle "Parking Tax", be and it is repealed and reordained with amendments to read as follows:

### PARKING TAX

#### 73.

(b) There is hereby levied and imposed upon the privilege of parking a motor vehicle in or on any parking lot or garage in the City of Baltimore, a tax of [fifteen cents (\$.15)] ~~twenty-five cents (\$.25)~~ TWENTY CENTS (\$.20) for each motor vehicle parked in or on each parking

lot or garage, for each twenty-four (24) hour period or any fraction thereof. Effective the first day of the month following passage of this ordinance, if a motor vehicle is parked in or on a parking lot or garage for which a charge is made on a weekly or monthly basis, the amount of tax shall be ~~seventy-five cents (\$.75)] one dollar and twenty cents (\$1.20)~~ **ONE DOLLAR (\$1.00)** per week, or ~~three dollars (\$3.00)] four dollars and eighty cents (\$4.80)~~ **FOUR DOLLARS (\$4.00)** per month. Parking charges or fees for a period other than daily, weekly, or monthly, shall be computed by multiplying the sum of ~~fifteen cents (\$.15), seventy-five cents (\$.75), or three dollars (\$3.00)] twenty-five cents (\$.25), one dollar and twenty cents (\$1.20), or four dollars and eighty cents (\$4.80), which~~ **TWENTY CENTS (\$.20), ONE DOLLAR (\$1.00), OR FOUR DOLLARS (\$4.00),** **WHICHEVER** amount is applicable, by the total number of days, weeks, or months in the particular period of time involved. The weekly tax of ~~seventy-five cents (\$.75)] one dollar and twenty cents (\$1.20)~~ **ONE DOLLAR (\$1.00)**, and the monthly tax of ~~three dollars (\$3.00)] four dollars and eighty cents (\$4.80)~~ **FOUR DOLLARS (\$4.00)**, shall not be increased or decreased on account of Saturdays, Sundays, or holidays as defined in Sections 9 and 11 of Article 13 of the Annotated Code of Maryland (1968 Replacement Volume), falling within such weekly or monthly period of time, whether or not the motor vehicle is actually parked in or on said parking lot or garage on such days.

This tax shall not apply to residential parking of apartment tenants where an arrangement for such tenant parking is provided in the apartment lease or in a separate writing between the landlord and tenant, whether the parking charge be payable to the landlord or to the operator of the parking lot or garage.

Provided, that all owners or operators of business establishments or professional offices in Baltimore City who pay the parking charge or fee for the parking of motor vehicles of their customers or clients in or on any parking lot or garage in the City of Baltimore shall be exempt from the payment of the tax imposed hereunder. In the event the customer or client is subject to any charge or fee by the parking lot or garage, in addition to the charge

or fee for which the owner or operator of the business establishment or professional office is liable, then the tax hereby levied and imposed shall be collected on such additional charge or fee in accordance with subsection (c) of this subtitle.

SEC. 2. *AND BE IT FURTHER ORDAINED*, THAT THE DIRECTOR OF FINANCE SHALL CERTIFY TO THE BOARD OF ESTIMATES THE AMOUNT OF ADDITIONAL REVENUES ESTIMATED TO BE RAISED IN THE 1982 FISCAL YEAR AND EACH FISCAL YEAR THEREAFTER BY THE PASSAGE OF THIS ORDINANCE.

~~Sec. 2~~ SEC. 3. *And be it further ordained*, That this ordinance shall take effect on ~~January 1, 1981~~ THE FIRST DAY OF THE MONTH WHICH BEGINS MORE THAN 60 DAYS AFTER ITS APPROVAL.; PROVIDED, HOWEVER, THAT IF ON THAT DATE NO APPROPRIATION OF THE ADDITIONAL REVENUES ESTIMATED TO BE RAISED BY THIS ORDINANCE HAS BEEN MADE TO THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT FOR THE OPERATION OF A NON-PROFIT COOPERATIVE HOUSING PROGRAM UNDER THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT, THIS ORDINANCE SHALL BECOME NULL AND VOID AND OF NO FORCE OR EFFECT.

Approved June 30, 1981.

WILLIAM DONALD SCHAEFER, *Mayor*.

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No. 369

(Council No. 549)

AN ORDINANCE concerning

ZONING—APPROVAL FOR CONDITIONAL USE  
PARKING LOT

FOR the purpose of granting permission for the establishment, maintenance and operation of an open off-street



parking area on the properties located at 9-41 East Hughes Street as outlined in red on the plats accompanying this ordinance.

BY authority of  
Article 30—Zoning  
Sections 4.8-1d and 11.0-6d  
Baltimore City Code (1976 Edition, as amended)

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That permission is hereby granted for the establishment, maintenance and operation of an open off-street parking area on the properties located at 9-41 East Hughes Street as outlined in red on the plats accompanying this ordinance, under the provisions of Sections 4.8-1d and 11.0-6d of Article 30 of the Baltimore City Code (1976 Edition, as amended) title "Zoning".

SEC. 2. *And be it further ordained*, That upon passage of this ordinance by the City Council, as evidence of the authenticity of the plat which is a part hereof and in order to give notice to the departments which are administering the Zoning Ordinance, the President of the City Council shall sign the plat and when the Mayor approves the ordinance, he shall sign the plat. The Director of Finance shall then transmit a copy of the ordinance and one of the plats to the following: the Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of the Department of Housing and Community Development and the Zoning Administrator.

SEC. 3. *And be it further ordained*, That this ordinance shall take effect thirty days from the date of its passage.

Approved June 30, 1981.

WILLIAM DONALD SCHAEFER, *Mayor*.

No. 370

(Council No. 560)

AN ORDINANCE concerning

ZONING—APPROVAL FOR CONDITIONAL USE  
PARKING LOT

FOR the purpose of granting permission for the establishment, maintenance and operation of an open off-street parking area on the property located at 5316 York Road as outlined in red on the plats accompanying this ordinance.

BY authority of

Article 30—Zoning

Sections 6.2-1d and 11.0-6d

Baltimore City Code (1976 Edition, as amended)

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That permission is hereby granted for the establishment, maintenance and operation of an open off-street parking area on the property located at 5316 York Road as outlined in red on the plats accompanying this ordinance, under the provisions of Sections 6.2-1d and 11.0-6d of Article 30 of the Baltimore City Code (1976 Edition, as amended) title "Zoning".

SEC. 2. *And be it further ordained*, That upon passage of this ordinance by the City Council, as evidence of the authenticity of the plat which is a part hereof and in order to give notice to the departments which are administering the Zoning Ordinance, the President of the City Council shall sign the plat and when the Mayor approves the ordinance, he shall sign the plat. The Director of Finance shall then transmit a copy of the ordinance and one of the plats to the following: the Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of the Department of Housing and Community Development and the Zoning Administrator.

SEC. 3. *And be it further ordained*, That this ordinance shall take effect thirty days from the date of its passage.

Approved June 30, 1981.

WILLIAM DONALD SCHAEFER, *Mayor*.

## No. 371

(Council No. 601)

AN ORDINANCE concerning

## HOUSING CODE—LICENSE FEES

FOR the purpose of ~~abolishing~~ INCREASING the ceiling on rooming house and multiple family dwelling license fees.

BY amending

Article 13—Housing and Urban Renewal

Subtitle—Housing Code

Section 1103

Baltimore City Code (1976 Edition, as amended)

WHEREAS, IT IS THE INTENT OF THE CITY COUNCIL THAT THE ADDITIONAL REVENUE RESULTING FROM THE ELIMINATION OF A REGISTRATION FEE CEILING ON RENTAL UNITS IN THE CITY WILL BE USED TO IMPROVE THE CITY'S HOUSING INSPECTION SERVICES; AND

WHEREAS, IT IS ALSO THE INTENT OF THE CITY COUNCIL THAT THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT SHALL NOT COLLECT ANY SUCH REGISTRATION FEES UNTIL AND UNLESS AN APPROPRIATION HAS BEEN MADE FOR THESE IMPROVED INSPECTION SERVICES, NOW, THEREFORE

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That Section(s) 1103 of the Baltimore City Code (1976 Edition, as amended) be added, repealed or amended to read as follows:

## Housing Code

## 1103. License Fees.

The annual license fees shall be as follows:

(a) An annual fee of Six Dollars (\$6.00) per rooming unit shall be charged for rooming house licenses [with a



maximum fee of ~~One Thousand Dollars (\$1,000.00)~~ TWO THOUSAND FIVE HUNDRED DOLLARS (\$2,500.00) per license~~].~~

(b) An annual fee of Ten Dollars (\$10.00) per dwelling unit shall be charged for multiple dwelling licenses ~~[with a maximum fee of One Thousand Dollars (\$1,000.00)]~~ TWO THOUSAND FIVE HUNDRED DOLLARS (\$2,500.00) per license~~].~~

(c) Where a building is used for a combination of uses, a license fee shall be charged for each such use at the rate of Six Dollars (\$6.00) per rooming unit and Ten Dollars (\$10.00) per dwelling unit ~~[with a maximum fee of One Thousand Dollars (\$1,000.00)]~~ TWO THOUSAND FIVE HUNDRED DOLLARS (\$2,500.00) per license~~].~~

SEC. 2. *And be it further ordained*, That this ordinance shall take effect September 1, 1981.

Approved June 30, 1981.

WILLIAM DONALD SCHAEFER, *Mayor*.

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No. 372

(Council No. 632)

AN ORDINANCE concerning

CITY PROPERTY—TWO PARCELS OF LAND  
FOR PUBLIC UTILITY RIGHT OF WAY FOR  
SANITARY SEWER PROJECT, SANITARY  
CONTRACT NO. 608

FOR the purpose of authorizing the acquisition by purchase or condemnation by the Mayor and City Council of Baltimore of the fee simple interests or such other interests as the Director of The Department of Public Works may deem necessary or sufficient, in and to certain pieces or parcels of land situate in Baltimore City, for Public Utility Right of Way for Sanitary Sewer

Project, Sanitary Contract No. 608 bounded by Curtis Avenue, Locust Street, Pennington Avenue and Plum Street; the location and course of said Public Utility Right of Way being shown on a plat thereof numbered R.W. 40-35610 prepared by the Surveys and Records Division and filed in the Office of the Director of The Department of Public Works on the Seventh (7th) day of May, 1981.

BY authority of

Article I—General Provisions

Section—4

Article II—General Provisions

Sections—2, 34, 35

Baltimore City Charter (1964 Revision, as amended).

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That it is necessary to acquire by purchase or condemnation for Public Utility Right of Way purposes, namely, for the construction and maintenance of the Public Utility Right of Way for the Sanitary Sewer Project, Sanitary Contract No. 608 bounded by Curtis Avenue, Locust Street, Pennington Avenue and Plum Street; the fee simple interests or such other interests as the Director of The Department of Public Works may deem necessary, in and to the pieces or parcels of land, situate, in Baltimore City, including the improvements thereon, bounded as follows:

Beginning for Parcel No. 1 at the point formed by the intersection of the west side of Curtis Avenue, as now laid out 60 feet wide, and the north side of a 20 foot alley, there situate, said point of beginning being distant 100.0 feet southerly, measured along the west side of said Curtis Avenue from the south side of Plum Street, as now laid out 60 feet wide, and running thence binding on the north side of said 20 foot alley, South  $86^{\circ}-01'-50''$  West 39.88 feet to intersect the east side of a 10 foot alley, there situate; thence binding on the east side of said 10 foot alley, North  $03^{\circ}-58'-10''$  West 93.69 feet; thence by a line drawn at a right angle to the east side of said 10 foot alley, South  $86^{\circ}-01'-50''$  West 10.00 feet to the west side of said 10 foot alley; thence binding on the west side of said 10 foot alley, South  $03^{\circ}-58'-10''$  East 93.69 feet to intersect the north

side of said 20 foot alley; thence binding on the north side of said 20 foot alley, crossing Grace Court, South  $86^{\circ}-01'-50''$  West 110.00 feet to the east side of a 10 foot alley, there situate; thence binding on the east side of last said 10 foot alley, North  $03^{\circ}-58'-10''$  West 93.69 feet; thence by a line drawn at a right angle to the east side of last said 10 foot alley, South  $86^{\circ}-01'-50''$  West 10.00 feet to the west side of last said 10 foot alley; thence binding on the west side of last said 10 foot alley, South  $03^{\circ}-58'-10''$  East 93.69 feet to intersect the north side of said 20 foot alley; thence binding on the north side of said 20 foot alley, crossing Morrison Court, South  $86^{\circ}-01'-50''$  West 190.00 feet; thence by a line drawn at a right angle to the north side of said 20 foot alley, South  $03^{\circ}-58'-10''$  East 20.00 feet to the south side of said 20 foot alley; thence binding on the south side of said 20 foot alley, crossing Graham Court, North  $86^{\circ}-01'-50''$  East 65.00 feet to intersect the west side of a 10 foot alley, there situate; thence binding on the west side of last said 10 foot alley, South  $03^{\circ}-58'-10''$  East 92.31 feet; thence by a line drawn at a right angle to the west side of last said 10 foot alley, North  $86^{\circ}-01'-50''$  East 10.00 feet to the east side of last said 10 foot alley; thence binding on the east side of said 10 foot alley, North  $03^{\circ}-58'-10''$  West 92.31 feet to intersect the south side of said 20 foot alley; thence binding on the south side of said 20 foot alley, crossing Morrison Court, North  $86^{\circ}-01'-50''$  East 115.00 feet to intersect the west side of a 10 foot alley, there situate; thence binding on the west side of last said 10 foot alley, South  $03^{\circ}-58'-10''$  East 92.31 feet; thence by a line drawn at a right angle to the west side of last said 10 foot alley, North  $86^{\circ}-01'-50''$  East 10.00 feet to the east side of last said 10 foot alley; thence binding on the east side of last said 10 foot alley, North  $03^{\circ}-58'-10''$  West 92.31 feet to intersect the south side of said 20 foot alley; thence binding on the south side of said 20 foot alley, crossing Grace Court, North  $86^{\circ}-01'-50''$  East 110.00 feet to intersect the west side of a 10 foot alley, there situate; thence binding on the west side of last said 10 foot alley, South  $03^{\circ}-58'-10''$  East 92.31 feet; thence by a line drawn at a right angle to the west side of last said 10 foot alley, North  $86^{\circ}-01'-50''$  East 10.00 feet to the east side of last said 10 foot alley; thence binding on the east side of last



said 10 foot alley, North  $03^{\circ}-58'-10''$  West 92.31 feet to intersect the south side of said 20 foot alley; thence binding on the south side of said 20 foot alley, North  $86^{\circ}-01'-50''$  East 39.93 feet to intersect the aforesaid west side of Curtis Avenue and thence binding on the west side of said Curtis Avenue, North  $04^{\circ}-07'-00''$  West 20.00 feet to the place of beginning.

Beginning for Parcel No. 2 at the point formed by the intersection of the west side of Curtis Avenue, as now laid out 60 feet wide, and the north side of a 13 foot alley, there situate, said point of beginning being distant 103.5 feet southerly, measured along the west side of said Curtis Avenue from the south side of Olmstead Street, as now laid out 60 feet wide, and running thence binding on the north side of said 13 foot alley, South  $86^{\circ}-02'-20''$  West 45.71 feet to intersect the east side of a 10 foot alley, there situate; thence binding on the east side of said 10 foot alley, North  $04^{\circ}-02'-30''$  West 93.42 feet; thence by a line drawn at a right angle to the east side of said 10 foot alley, South  $85^{\circ}-57'-30''$  West 10.00 feet to the west side of said 10 foot alley; thence binding on the west side of said 10 foot alley, South  $04^{\circ}-02'-30''$  East 93.42 feet to intersect the north side of said 13 foot alley; thence binding on the north side of said 13 foot alley, crossing Grace Court, South  $86^{\circ}-02'-20''$  West 105.00 feet to intersect the east side of a 10 foot alley, there situate; thence binding on the east side of last said 10 foot alley, North  $04^{\circ}-02'-30''$  West 93.42 feet; thence by a straight line, South  $86^{\circ}-02'-20''$  West 10.00 feet to the west side of last said 10 foot alley; thence binding on the west side of last said 10 foot alley, South  $04^{\circ}-02'-30''$  East 93.42 feet to intersect the north side of said 13 foot alley; thence binding on the north side of said 13 foot alley, crossing Morrison Court, South  $86^{\circ}-02'-20''$  West 116.00 feet to intersect the east side of a 24 foot alley, there situate; thence binding on the east side of said 24 foot alley, North  $04^{\circ}-02'-30''$  West 89.42 feet; thence by a straight line, South  $86^{\circ}-02'-20''$  West 10.00 feet to intersect a line drawn parallel with and distant 10.00 feet westerly, measured at right angles from the east side of said 24 foot alley; thence binding on last said line so drawn, South  $04^{\circ}-02'-30''$  East 192.00 feet; thence by a straight line, North  $86^{\circ}-02'-20''$  East 10.00

feet to the east side of said 24 foot alley; thence binding on the east side of said 24 foot alley, North  $04^{\circ}-02'-30''$  West 89.58 feet to intersect the south side of said 13 foot alley; thence binding on the south side of said 13 foot alley, crossing Morrison Court, North  $86^{\circ}-02'-20''$  East 116.00 feet to intersect the west side of a 10 foot alley, there situate; thence binding on the west side of last said 10 foot alley, South  $04^{\circ}-02'-30''$  East 89.58 feet; thence by a straight line, North  $86^{\circ}-02'-20''$  East 10.00 feet to the east side of last said 10 foot alley; thence binding on the east side of last said 10 foot alley, North  $04^{\circ}-02'-30''$  West 89.58 feet to intersect the south side of said 13 foot alley; thence binding on the south side of said 13 foot alley, crossing Grace Court, North  $86^{\circ}-02'-20''$  East 105.00 feet to intersect the west side of a 10 foot alley, there situate; thence binding on the west side of last said 10 foot alley, South  $04^{\circ}-02'-30''$  East 89.58 feet; thence by a straight line, North  $86^{\circ}-02'-20''$  East 10.00 feet to the east side of last said 10 foot alley; thence binding on the east side of last said 10 foot alley, North  $04^{\circ}-02'-30''$  West 89.58 feet to intersect the south side of said 13 foot alley; thence binding on the south side of said 13 foot alley, North  $86^{\circ}-02'-20''$  East 45.71 feet to intersect the aforesaid west side of Curtis Avenue and thence binding on the west side of said Curtis Avenue, North  $04^{\circ}-07'-00''$  West 13.01 feet to the place of beginning.

All courses and distances in the above descriptions are referred to the true meridian as adopted by the Baltimore Survey Control System.

Including all property, rights, interests, easements and/or franchises necessary in said Public Utility Right of Way and the construction and maintenance of said Sanitary Sewer in said Public Utility Right of Way, the location and course of said Public Utility Right of Way being shown on a plat thereof numbered R.W. 40-35610, prepared by the Surveys and Records Division and filed in the office of the Director of the Department of Public Works on the Seventh (7th) day of May, 1981.

Any mention or reference to any streets, roads, avenues, highways or alleys in this Ordinance or on the plat re-

ferred to herein are for the purpose of description only, and shall not be held or taken to be any evidence whatever that said streets, roads, avenues, highways, alleys or any of them, are public, dedicated or private thoroughfares.

SEC. 2. *And be it further ordained*, That the Director of the Department of Public Works or the person or persons the Board of Estimates of Baltimore City may hereafter from time to time designate, is or are hereby authorized to acquire on behalf of the Mayor and City Council of Baltimore, and for the purposes described in this Ordinance, the fee simple interests or such other interests as the said Director may deem necessary or sufficient, in and to said pieces or parcels of land and improvements thereupon, including all property, rights, interests, easements and/or franchises necessary in said Public Utility Right of Way and the construction and maintenance of said **Sanitary Sewer** in said Public Utility Right of Way. If the said Director of the Department of Public Works, or person or persons the Board of Estimates of Baltimore City may designate are unable to agree with the owner or owners on the purchase price of any of the said pieces or parcels of land and improvements thereupon or for any of the said properties, rights, interests, easements and/or franchises, they shall forthwith notify the City Solicitor of Baltimore City who shall thereupon institute in the name of the Mayor and City Council of Baltimore the necessary legal proceedings to acquire by condemnation the fee simple interests or such other rights, interests, easements and/or franchises as the said Director may deem necessary or sufficient for the purposes of said Public Utility Right of Way.

SEC. 3. *And be it further ordained*, That the proceedings for the acquisition by condemnation of the property and rights herein described and the rights of all parties interested or affected thereby shall be regulated by and be in accordance with the provisions of The Real Property Article of the Annotated Code of Maryland (1974), Title 12; Section 101 Et. Seq. and any and all amendments thereto.

SEC. 4. *And be it further ordained*, That the said Director of the Department of Public Works or person or persons the Board of Estimates of Baltimore City may desig-



nate are also hereby authorized to negotiate for and to enter into in the name of the Mayor and City Council of Baltimore, any and all necessary agreements with the Federal and State Governments, or any of their agencies, and any other persons, firms or corporations, in aid of, in furtherance of, or in connection with said Public Utility Right of Way; all such acquisitions and agreements to be subject to the approval of the Board of Estimates.

SEC. 5. *And be it further ordained*, That after the necessary agreements have been made and the necessary properties, lands, rights, easements and/or franchises have been acquired as hereinbefore provided, the Director of the Department of Public Works of Baltimore City is hereby authorized and directed to construct or cause to be constructed the said Sanitary Sewer in said Public Utility Right of Way, all in accordance with detailed plans hereafter to be prepared therefore and after said plans have been approved by the said Director of the Department of Public Works.

SEC. 6. *And be it further ordained*, That this Ordinance shall take effect from the date of its passage.

Approved June 30, 1981.

WILLIAM DONALD SCHAEFER, *Mayor*.

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No. 373

(Council No. 681)

AN ORDINANCE concerning

CITY STREET—OPENING, WIDENING,  
GRADING, CONSTRUCTION AND  
MAINTENANCE OF BROENING HIGHWAY  
FROM HOLABIRD AVENUE, SOUTHERLY  
2800 FEET, MORE OR LESS

FOR the purpose of authorizing the acquisition by purchase or condemnation by the Mayor and City Council

of Baltimore of the fee simple interests or such other interests as the Director of The Department of Public Works may deem necessary or sufficient, in and to certain pieces or parcels of land situate in Baltimore City, for public highway purposes, namely for the opening, widening, grading, construction and maintenance of Broening Highway from Holabird Avenue, Southerly 2800 feet, more or less, and authorizing the acquisition by purchase or condemnation of any property, rights, interests, easements and/or franchises necessary in the opening, widening, grading, construction and maintenance of said Broening Highway Project; and authorizing the making of all necessary agreements concerning said Broening Highway Project; and authorizing the construction of said Broening Highway Project; the location and course of said Broening Highway Project being shown on a plat thereof numbered 340-A-7A prepared by the Surveys and Records Division and filed in the Office of the Director of The Department of Public Works on the Twenty-eighth (28th) day of May, 1981.

BY authority of

Article I—General Provisions

Section—4

Article II—General Powers

Sections—2, 34, 35

Baltimore City Charter (1964 Revision, as amended)

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That it is necessary to acquire by purchase or condemnation for public highway purposes, namely, for the opening, widening, grading, construction and maintenance of Broening Highway from Holabird Avenue, Southerly 2800 feet, more or less; the fee simple interests or such other interests as the Director of the Department of Public Works may deem necessary, in and to the pieces or parcels of land, situate in Baltimore City, including the improvements thereon, bounded as follows:

Beginning for Fee Parcel No. 1 at the point formed by the intersection of the southwest side of Holabird Avenue, as now laid out varying in width, and the west side of Broening Highway, as now laid out varying in

width, and running thence binding on the west side of said Broening Highway, as now surveyed, the two following courses and distances; namely, South  $04^{\circ}-17'-45''$  East 193.75 feet and South  $04^{\circ}-15'-10''$  East 138.66 feet to the west side of proposed Broening Highway, as realigned and widened varying in width; thence binding on the west side of said proposed Broening Highway, North  $10^{\circ}-29'-27''$  West 139.88 feet to intersect the last line of the first parcel of land conveyed by Edna Tracy Schlipp to Ske-Geo, Inc. by deed dated September 30, 1976 and recorded among the Land Records of Baltimore City in Liber R.H.B. No. 3398 Folio 196; thence binding in part reversely on part of the last line of the first parcel of land described in said deed, to the beginning thereof, in part reversely on the fourth line of the first parcel of land described in said deed, and in all, as now surveyed, South  $87^{\circ}-12'-54''$  West 71.49 feet; thence binding in part reversely on the third line of the first parcel of land described in said deed, in part on the second line of the second parcel of land described in said deed, in part reversely on the fourth line of the second parcel of land conveyed by Ralph Marcantoni, Sr. and Wife to Mary Ann Walsh and Theresa Trionfo by deed dated October 28, 1977 and recorded among said Land Records in Liber R.H.B. No. 3559 Folio 364, in part reversely on part of the second line of the first parcel of land described in last said deed, and in all, as now surveyed, North  $04^{\circ}-13'-06''$  West 194.93 feet to intersect the south side of proposed Holabird Avenue, as realigned and widened varying in width; thence binding on the south side of said proposed Holabird Avenue, by a line curving to the left with a radius of 102.00 feet the distance of 42.52 feet which arc is subtended by a chord bearing North  $81^{\circ}-29'-25.5''$  West 42.22 feet to the south side of Holabird Avenue mentioned firstly herein and thence binding on the south and southwest sides of Holabird Avenue mentioned firstly herein, the two following courses and distances; namely, North  $86^{\circ}-34'-00''$  East 103.69 feet and by a line curving to the right with a radius of 32.00 feet the distance of 27.22 feet which arc is subtended by a chord bearing South  $69^{\circ}-03'-40.5''$  East 26.41 feet to the place of beginning.



Beginning for Fee Parcel No. 2 at the point formed by the intersection of a south side of the B&O Railroad Right of Way, varying in width, and the east side of Broening Highway, varying in width, and running thence binding on the east side of said Broening Highway and crossing said B&O Railroad Right of Way the two following courses and distances; namely, North  $05^{\circ}-55'-07''$  East 48.31 feet and North  $04^{\circ}-15'-10''$  West 485.86 feet to the division line between the property known as No. 6201 Seaforth Street and the property adjoining on the north thereof known as Lot 14/16 of Block 6924-A; thence binding on said division line, North  $87^{\circ}-07'-55''$  East 20.95 feet to intersect the east side of proposed Broening Highway, as realigned and widened varying in width; thence binding on the east side of said proposed Broening Highway and crossing said B&O Railroad Right of Way the three following courses and distances; namely, South  $04^{\circ}-16'-07''$  East 419.23 feet and by a line curving to the right with a radius of 808.00 feet the distance of 97.89 feet which arc is subtended by a chord bearing South  $00^{\circ}-47'-53''$  East 97.83 feet and South  $02^{\circ}-40'-21''$  West 16.70 feet to intersect a south side of said B&O Railroad Right of Way and thence binding on a south side of said B&O Railroad Right of Way, South  $87^{\circ}-12'-50''$  West 21.68 feet to the place of beginning.

SEC. 2. *And be it further ordained*, That it is necessary to acquire by purchase or condemnation for public highway purposes, namely, for the opening, widening, grading, construction and maintenance of said Broening Highway Project; the perpetual, revertible and such other easements as the Director of the Department of Public Works may deem necessary, in and to the pieces or parcels of land, situate in Baltimore City, including improvements thereon, bounded as follows:

Beginning for Perpetual Easement No. 1 for subterranean utility at a point on the northeast side of the B&O Railroad Right of Way, 30 feet wide, said point of beginning being distant 439.61 feet southeasterly measured along the northeast side of said B&O Railroad Right of Way by a line curving to the right with a radius of 2322.99 feet from the east side of Broening Highway,

as now laid out varying in width, and running thence binding in part on the northeast side of said B&O Railroad Right of Way, in part on the northeast side of the Pennsylvania Railroad Right of Way, 65 feet wide, and in all, South  $64^{\circ}-41'-01''$  East 176.60 feet; thence by a straight line crossing said Pennsylvania Railroad Right of Way, South  $26^{\circ}-04'-08''$  West 65.01 feet to intersect the southwest side of said Pennsylvania Railroad Right of Way; thence binding in part on the southwest side of said Pennsylvania Railroad Right of Way, in part on the southwest side of the Pennsylvania Railroad Right of Way, 35 feet wide, and in all, North  $64^{\circ}-41'-01''$  West 175.75 feet and thence by another straight line crossing last said Pennsylvania Railroad Right of Way and said B&O Railroad Right of Way, North  $25^{\circ}-18'-59''$  East 65.00 feet to the place of beginning.

Beginning for Perpetual Subterranean, Aerial and Surface Easement No. 1 for drainage, footings, piles and piers at a point on the east side of Broening Highway, as now laid out, said point of beginning being at the end of the fifth line of the parcel of land conveyed by Western Electric Co., Inc. to Mayor and City Council of Baltimore by deed dated September 25, 1941 and recorded among the Land Records of Baltimore City in Liber M.L.P. No. 6238 Folio 524 and running thence binding reversely on part of the fifth line of said deed, North  $87^{\circ}-07'-00''$  East 71.55 feet; thence by a straight line through the property now or formerly owned by Western Electric Co., Inc., South  $39^{\circ}-00'-00''$  East 56.12 feet; thence by a line curving to the left with a radius of 266.01 feet the distance of 84.47 feet which arc is subtended by a chord bearing South  $48^{\circ}-05'-48''$  East 84.11 feet to intersect the tenth line of the eighth parcel of land conveyed by Western Electric Co., Inc. to Mayor and City Council of Baltimore by Gift Deed and Agreement dated June 13, 1979 and recorded among said Land Records in Liber W.A. No. 3772 Folio 834; thence binding reversely on part of the tenth line of the eighth parcel of land described in said Gift Deed and Agreement, by a line curving to the right with a radius of 193.00 feet the distance of 79.70 feet which arc is subtended by a chord bearing South  $28^{\circ}-59'-22''$  West

79.14 feet to intersect a line drawn concentric with and distant 79.00 feet southwesterly, measured radially from the third line of this description; thence binding reversely on said line so drawn, by a line curving to the right with a radius of 345.01 feet the distance of 114.82 feet which arc is subtended by a chord bearing North  $48^{\circ}32'03''$  West 114.29 feet to intersect a line drawn parallel with and distant 79.00 feet southwesterly, measured at right angles from the second line of this description; thence binding reversely on last said line so drawn, North  $39^{\circ}00'00''$  West 69.23 feet to intersect the east side of said Broening Highway and thence binding on the east side of said Broening Highway, North  $02^{\circ}53'00''$  West 35.97 feet to the place of beginning.

Beginning for Perpetual Subterranean, Aerial and Surface Easement No. 2 for drainage, footings, piles and piers at a point on the northeast side of the Pennsylvania Railroad Right of Way, 65 feet wide, distant 617.34 feet southeasterly, measured along the northeast side of said Pennsylvania Railroad Right of Way and the northeast side of the B&O Railroad Right of Way, 30 feet wide, from the east side of Broening Highway, as now laid out varying in width, and running thence binding on the northeast side of said Pennsylvania Railroad Right of Way, South  $64^{\circ}41'01''$  East 79.26 feet; thence by a line curving to the right with a radius of 345.01 feet the distance of 557.19 feet which arc is subtended by a chord bearing South  $67^{\circ}31'19''$  West 498.58 feet to intersect the second line of the eighth parcel of land conveyed by Western Electric Co., Inc. to Mayor and City Council of Baltimore by Gift Deed and Agreement dated June 13, 1979 and recorded among the Land Records of Baltimore City in Liber W.A. No. 3772 Folio 834; thence binding reversely on part of the second line of the eighth parcel of land described in said Gift Deed and Agreement, by a line curving to the left with a radius of 241.00 feet the distance of 79.75 feet which arc is subtended by a chord bearing North  $28^{\circ}43'37''$  East 79.38 feet to intersect a line drawn concentric with and distant 79.00 feet northwesterly, measured radially from the second line of this description and thence binding reversely on said line so drawn, by a line curving to the left with a radius of 266.01 feet the distance of 428.38 feet which arc



is subtended by a chord bearing North 66°-10'-53" East 383.57 feet to the place of beginning.

Beginning for Revertible Easement No. 1 for supporting slopes and/or retaining wall at the point formed by the intersection of a north side of the B&O Railroad Right of Way, varying in width, and the east side of proposed Broening Highway, as realigned and widened varying in width, and running thence binding on the east side of said proposed Broening Highway the two following courses and distances; namely, by a line curving to the left with a radius of 808.00 feet the distance of 40.70 feet which arc is subtended by a chord bearing North 02°-49'-32.5" West 40.69 feet and North 04°-16'-07" West 419.23 feet to intersect the division line between the property known as No. 6201 Seaforth Street and the property adjoining on the north thereof known as Lot 14/16 of Block 6924-A; thence binding on said division line, North 87°-07'-55" East 41.20 feet; thence by straight lines through the property known as No. 6201 Seaforth Street the three following courses and distances; namely, South 14°-01'-41" East 22.47 feet, South 03°-24'-58" East 336.04 feet and South 03°-01'-37" East 99.50 feet to intersect a north side of said B&O Railroad Right of Way and thence binding on a north side of said B&O Railroad Right of Way, South 83°-50'-20" West 38.89 feet to the place of beginning.

Beginning for Revertible Easement No. 2 to be used during period of construction of railroad bridge at the point formed by the intersection of a south side of the B&O Railroad Right of Way, varying in width, and the east side of proposed Broening Highway, as realigned and ~~widening~~ WIDENED varying in width, and running thence binding on the east side of said proposed Broening Highway and crossing said B&O Railroad Right of Way the two following courses and distances; namely, North 02°-40'-21" East 16.70 feet and by a line curving to the left with a radius of 808.00 feet the distance of 57.19 feet which arc is subtended by a chord bearing North 00°-38'-41.5" East 57.18 feet to intersect a north side of said B&O Railroad Right of Way; thence binding on a north side of said B&O Railroad Right of Way, North 83°-50'-20" East 38.89 feet; thence by straight lines through the property known as

No. 6201 Seaforth Street the four following courses and distances; namely, North  $03^{\circ}-01'-37''$  West 99.50 feet, North  $87^{\circ}-28'-58''$  East 556.26 feet, North  $02^{\circ}-50'-11''$  West 280.09 feet and North  $51^{\circ}-05'-21''$  East 75.36 feet to intersect the southwest side of Seaforth Street, varying in width; thence binding on the southwest side of said Seaforth Street, by a line curving to the left with a radius of 70.00 feet the distance of 22.07 feet which arc is subtended by a chord bearing South  $47^{\circ}-18'-59''$  East 21.98 feet; thence by straight lines through the property known as No. 6201 Seaforth Street and the property known as Lot 18/21 of Block 6924-A and crossing said B&O Railroad Right of Way the two following courses and distances; namely, South  $49^{\circ}-01'-01''$  West 64.87 feet and South  $02^{\circ}-32'-23''$  East 441.62 feet to intersect a south side of said B&O Railroad Right of Way and thence binding on a south side of said B&O Railroad Right of Way, South  $87^{\circ}-12'-50''$  West 622.82 feet to the place of beginning.

Beginning for Revertible Easement No. 3 to be used during period of construction of railroad bridge at the point formed by the intersection of the east side of Broening Highway, varying in width and a south side of the B&O Railroad Right of Way, 50 feet wide, and running thence binding on a south side of said B&O Railroad Right of Way and crossing said Broening Highway, South  $87^{\circ}-10'-00''$  West 434.87 feet; thence by a straight line crossing said B&O Railroad Right of Way, North  $02^{\circ}-50'-00''$  West 50.00 feet to intersect a north side of said B&O Railroad Right of Way; thence binding on a north side of said B&O Railroad Right of Way and crossing said Broening Highway, North  $87^{\circ}-10'-00''$  East 442.44 feet to intersect the east side of said Broening Highway and thence binding on the east side of said Broening Highway and crossing said B&O Railroad Right of Way the two following courses and distances; namely, South  $05^{\circ}-55'-07''$  West 48.31 feet and South  $02^{\circ}-37'-40''$  West 2.27 feet to the place of beginning.

Beginning for Construction Easement No. 1 for sidewalk and retaining wall at a point on the south side of Keith Avenue, varying in width, distant 25.78 feet southerly, measured radially from station 33+32.00 on

the baseline of right of way Keith Avenue Ramp "B" and running thence binding on the south and southwest sides of said Keith Avenue the two following courses and distances; namely, by a line curving to the right with a radius of 900.23 feet the distance of 15.62 feet which arc is subtended by a chord bearing South  $77^{\circ}-09'-47.5''$  East 15.62 feet and by a line curving to the right with a radius of 143.95 feet the distance of 90.65 feet which arc is subtended by a chord bearing South  $59^{\circ}-30'-53''$  East 89.16 feet; thence by a straight line through the property now or formerly owned by Western Electric Co., Inc., South  $48^{\circ}-31'-31''$  West 10.00 feet to intersect a line drawn concentric with and distant 10.00 feet southwesterly, measured radially from the southwest side of said Keith Avenue; thence binding on said line so drawn, by a line curving to the right with a radius of 133.95 feet the distance of 7.88 feet which arc is subtended by a chord bearing South  $39^{\circ}-47'-20.5''$  East 7.88 feet; thence by another straight line through said property, South  $51^{\circ}-53'-48''$  West 10.00 feet to intersect a line drawn concentric with and distant 20.00 feet southwesterly, measured radially from the southwest side of said Keith Avenue; thence binding on last said line so drawn, by a line curving to the left with a radius of 123.95 feet the distance of 85.51 feet which arc is subtended by a chord bearing North  $57^{\circ}-51'-59''$  West 83.82 feet to intersect a line drawn concentric with and distant 20.00 feet southerly measured radially from the south side of said Keith Avenue; thence binding on last said line so drawn, by a line curving to the left with a radius of 880.23 feet the distance of 15.42 feet which arc is subtended by a chord bearing North  $77^{\circ}-09'-30''$  West 15.42 feet and thence by another straight line through said property, North  $12^{\circ}-20'-23''$  East 20.00 feet to the place of beginning.

Beginning for Reversible Easement No. 4 for supporting slopes at a point on the south side of Keith Avenue, 59 feet wide, distant 29.60 feet southerly, measured radially from station 30+72.00 on the baseline of right of way Keith Avenue Ramp "B" and running thence binding on the south side of said Keith Avenue, North  $87^{\circ}-06'-26''$  East 14.69 feet to the south side of Keith Avenue, varying in width; thence binding on the south side of last said



Keith Avenue, by a line curving to the right with a radius of 900.23 feet the distance of 239.33 feet which arc is subtended by a chord bearing South  $85^{\circ}-16'-35.5''$  East 238.63 feet; thence by a straight line through the property now or formerly owned by Western Electric Co., Inc., South  $12^{\circ}-20'-23''$  West 20.00 feet to intersect a line drawn concentric with and distant 20.00 feet southerly, measured radially from the south side of last said Keith Avenue; thence binding on said line so drawn, by a line curving to the left with a radius of 880.23 feet the distance of 126.19 feet which arc is subtended by a chord bearing North  $81^{\circ}-46'-01.5''$  West 126.08 feet and thence by other straight lines through said property the two following courses and distances; namely, North  $85^{\circ}-09'-43''$  West 123.37 feet and North  $02^{\circ}-53'-34''$  West 10.00 feet to the place of beginning.

Beginning for Revertible Easement No. 5 for supporting slopes at a point on the southwest side of Keith Avenue, varying in width, distant 26.01 feet southwesterly, measured radially from station 34+64.99 on the baseline of right of way Keith Avenue Ramp "B" and running thence binding in part on the southwest side of said Keith Avenue, in part on the line of the southwest side of said Keith Avenue, if projected southerly, and in all, by a line curving to the right with a radius of 143.95 feet the distance of 88.51 feet which arc is subtended by a chord bearing South  $20^{\circ}-29'-19''$  East 87.12 feet; thence by a straight line through the property now or formerly owned by Western Electric Co., Inc., South  $87^{\circ}-07'-34''$  West 12.00 feet to intersect a line drawn concentric with and distant 12.00 feet southwesterly, measured radially from the southwest side of said Keith Avenue; thence binding on said line so drawn, by a line curving to the left with a radius of 131.95 feet the distance of 81.13 feet which arc is subtended by a chord bearing North  $20^{\circ}-29'-19''$  West 79.86 feet and thence by another straight line through said property, North  $51^{\circ}-53'-48''$  East 12.00 feet to the place of beginning.

Beginning for Revertible Easement No. 6 for construction at a point on the east side of Broening Highway, as now laid out, said point of beginning being the beginning of the ninth line of the eighth parcel of land conveyed by

Western Electric Co., Inc. to Mayor and City Council of Baltimore by Gift Deed and Agreement dated June 13, 1979 and recorded among the Land Records of Baltimore City in Liber W.A. No. 3772 Folio 834 and running thence binding on the east side of said Broening Highway, North  $02^{\circ}-53'-00''$  West 274.92 feet to the end of the fifth line of the parcel of land conveyed by Western Electric Co., Inc. to Mayor and City Council of Baltimore by deed dated September 25, 1941 and recorded among said Land Records in Liber M.L.P. No. 6238 Folio 524; thence binding reversely on the fifth line of last said deed, North  $87^{\circ}-07'-00''$  East 97.00 feet; thence binding in part reversely on the fourth line of last said deed, in part on part of the third line of the parcel of land conveyed by Western Electric Co., Inc. to Mayor and City Council of Baltimore by deed dated March 29, 1951 and recorded among said Land Records in Liber M.L.P. No. 8436 Folio 98, and in all, North  $02^{\circ}-53'-00''$  West 117.30 feet to the end of the tenth line of the eighth parcel of land described in the Gift Deed and Agreement mentioned firstly herein and thence binding reversely on the tenth and ninth lines of the eighth parcel of land described in the Gift Deed and Agreement mentioned firstly herein the two following courses and distances; namely, by a line curving to the right with a radius of 193.00 feet the distance of 385.54 feet which arc is subtended by a chord bearing South  $00^{\circ}-32'-46.5''$  West 324.56 feet and by a line curving to the left with a radius of 248.64 feet the distance of 104.08 feet which arc is subtended by a chord bearing South  $45^{\circ}-46'-53.5''$  West 103.33 feet to the place of beginning.

Beginning for Revertible Easement No. 7 for construction at a point on the southwest side of the Pennsylvania Railroad Right of Way, 35 feet wide, said point of beginning being the end of the first line of the eighth parcel of land conveyed by Western Electric Co., Inc. to Mayor and City Council of Baltimore by Gift Deed and Agreement dated June 13, 1979 and recorded among the Land Records of Baltimore City in Liber W.A. No. 3772 Folio 834 and running thence binding on the southwest side of said Pennsylvania Railroad Right of Way, as now surveyed, by a line curving to the right with a radius of 2257.99 feet the distance of 261.79 feet which arc is subtended by a

chord bearing South  $68^{\circ}-00'-18.2''$  East 261.64 feet; thence binding in part on the southwest side of said Pennsylvania Railroad Right of Way, in part on the southwest side of the Pennsylvania Railroad Right of Way, 65 feet wide, and in all, South  $64^{\circ}-41'-01''$  East 175.75 feet; thence by a straight line crossing last said Pennsylvania Railroad Right of Way, North  $26^{\circ}-04'-08''$  East 65.01 feet to intersect the northeast side of last said Pennsylvania Railroad Right of Way; thence binding on the northeast side of last said Pennsylvania Railroad Right of Way, South  $64^{\circ}-41'-01''$  East 87.81 feet; thence by another straight line crossing last said Pennsylvania Railroad Right of Way, South  $03^{\circ}-10'-57''$  West 70.17 feet to intersect the southwest side of last said Pennsylvania Railroad Right of Way; thence by other straight lines through the property now or formerly owned by Western Electric Co., Inc. the four following courses and distances; namely, South  $56^{\circ}-15'-00''$  West 256.85 feet, South  $87^{\circ}-45'-25''$  West 233.59 feet, South  $46^{\circ}-15'-53''$  West 191.46 feet and South  $87^{\circ}-07'-23''$  West 24.61 feet to intersect the third line of the eighth parcel of land described in said Gift Deed and Agreement; thence binding reversely on part of the third line of the eighth parcel of land described in said Gift Deed and Agreement, to the beginning thereof, by a line curving to the right with a radius of 200.64 feet the distance of 145.05 feet which arc is subtended by a chord bearing North  $37^{\circ}-03'-50.5''$  East 141.91 feet and thence binding reversely on the second line of the eighth parcel of land described in said Gift Deed and Agreement, as now surveyed, by a line curving to the left with a radius of 241.00 feet the distance of 463.01 feet which arc is subtended by a chord bearing North  $02^{\circ}-44'-07''$  East 395.02 feet to the place of beginning.

All courses and distances in the above descriptions are referred to the true meridian as adopted by the Baltimore Survey Control System.

Including all property, rights, interests, easements and/or franchises necessary in the opening, widening, grading, construction and maintenance of said Broening Highway Project, the location and course of said Broening Highway Project being shown on a plat thereof numbered 340-A-7A prepared by the Surveys and Records Division and filed in



the Office of The Director of The Department of Public Works on the Twenty-eighth (28th) day of May, 1981.

Any mention or reference to any streets, roads, avenues, highways or alleys in this Ordinance or on the plat referred to herein are for the purpose of description only, and shall not be held or taken to be any evidence whatever that said streets, roads, avenues, highways, alleys or any of them, are public, dedicated or private thoroughfares.

SEC. 3. *And be it further ordained*, That the Director of The Department of Public Works or the person or persons the Board of Estimates of Baltimore City may hereafter from time to time designate, is or are hereby authorized to acquire on behalf of the Mayor and City Council of Baltimore, and for the purposes described in this Ordinance, the fee simple interests or such other interests as the said Director may deem necessary or sufficient, in and to said pieces or parcels of land and improvements thereupon, including all property, rights, interests, easements and/or franchises necessary in the opening, widening, grading, construction and maintenance of said Broening Highway Project. If the said Director of The Department of Public Works, or person or persons the Board of Estimates of Baltimore City may designate are unable to agree with the owner or owners on the purchase price of any of the said pieces or parcels of land and improvements thereupon or for any of the said properties, rights, interests, easements and/or franchises, they shall forthwith notify the City Solicitor of Baltimore City who shall thereupon institute in the name of the Mayor and City Council of Baltimore the necessary legal proceedings to acquire by condemnation the fee simple interests or such other rights, interests, easements and/or franchises as the said Director may deem necessary or sufficient for the purposes of said Broening Highway Project.

SEC. 4. *And be it further ordained*, That the proceedings for the acquisition by condemnation of the property and rights herein described and the rights of all parties interested or affected thereby shall be regulated by and be in accordance with the provisions of The Real Property Article of the Annotated Code of Maryland (1974), Title

12, Section 101 Et Seq. and any and all amendments thereof.

SEC. 5. *And be it further ordained*, That the said Director of The Department of Public Works or person or persons the Board of Estimates of Baltimore City may designate are also hereby authorized to negotiate for and to enter into in the name of the Mayor and City Council of Baltimore, any and all necessary agreements with the Federal and State Governments, or any of their agencies, and any other persons, firms, or corporations, in aid of, in furtherance of, or in connection with said Broening Highway Project; all such acquisitions and agreements to be subject to the approval of the Board of Estimates.

SEC. 6. *And be it further ordained*, That after the necessary agreements have been made and the necessary properties, lands, rights, easements and/or franchises have been acquired as hereinbefore provided, the Director of The Department of Public Works of Baltimore City is hereby authorized and directed to construct or cause to be constructed the said Broening Highway Project, all in accordance with detailed plans hereafter to be prepared therefore and after said plans have been approved by the said Director of the Department of Public Works.

SEC. 7. *And be it further ordained*, That in the event it be judicially determined that any word, phrase, clause, sentence, paragraph, section or part in or of this ordinance, or the application thereof to any person or circumstances is invalid, the remaining provisions and the application of such provisions to other persons or circumstances shall not be affected thereby, the Mayor and City Council hereby declaring that they would have ordained the remaining provisions of this ordinance without the word, phrase, clause, sentence, paragraph, section or part or the application thereof so held invalid.

SEC. 8. *And be it further ordained*, That this Ordinance shall take effect from the date of its passage.

Approved June 30, 1981.

WILLIAM DONALD SCHAEFER, *Mayor*.

No. 374

(Council No. 692)

AN ORDINANCE concerning

ORDINANCE OF ESTIMATES FOR THE  
FISCAL YEAR ENDING JUNE 30, 1982

FOR the purpose of providing the appropriations estimated to be needed by each agency of the City of Baltimore for operating programs and capital projects during the fiscal 1982 year.

BY authority of

Article VI—Board of Estimates

Section 2

Baltimore City Charter (1964 Revision as amended)

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That the following amounts or so much thereof as shall be sufficient are hereby appropriated subject to the provisions hereinafter set forth for the purpose of carrying out the programs included in the operating budget and projects listed in the capital budget from the amounts estimated to be available in the designated funds during the fiscal year ending June 30, 1982:

## A. OPERATING BUDGET

## CIVIC CENTER COMMISSION

## 540. Civic Center Operation

General Fund Appropriation ..... \$ 1,804,165

## CIVIL SERVICE COMMISSION

## 160. Personnel Administration

General Fund Appropriation ..... \$ 1,562,774

## COMMUNITY COLLEGE OF BALTIMORE

## 430. Administrative and Technical Support Services

General Fund Appropriation ..... \$ 3,047,379

## 431. Instruction

General Fund Appropriation ..... \$ 7,570,257

Other Federal Fund Appropriation ..... \$ 1,201,761



432. Operational Plant Maintenance  
       General Fund Appropriation ..... \$ 2,124,436
433. Student Services  
       General Fund Appropriation ..... \$ 754,218  
       Other Federal Fund Appropriation ..... \$ 5,462,130  
       Other Special Fund Appropriation ..... \$ 784,048  
       A revolving fund is hereby authorized  
       to provide for the receipt of funds  
       from student fees and other charges  
       and for the expenditure thereof for  
       student activity purposes not sup-  
       ported by City Appropriation.

## COMMUNITY RELATIONS COMMISSION

156. Development of Intergroup Relations  
       General Fund Appropriation ..... \$ 632,403  
       Other Federal Fund Appropriation ..... \$ 141,418

## COMPTROLLER, DEPARTMENT OF

130. Executive Direction and Control  
       General Fund Appropriation ..... \$ 171,220
131. Audits  
       General Fund Appropriation ..... \$ 1,242,085
132. Real Estate Acquisition and Management  
       General Fund Appropriation ..... \$ 387,004
134. Tax Sale Property Management  
       General Fund Appropriation ..... \$ 931,057
135. Insurance on City Facilities  
       General Fund Appropriation ..... \$ 708,734
136. Municipal Post Office  
       An internal service fund is hereby au-  
       thorized to provide for operation of a  
       municipal post office, the costs of which  
       are to be recovered from using agen-  
       cies.
536. Markets and Harbor Administration  
       General Fund Appropriation ..... \$ 1,104,253

## COUNCIL, CITY

100. City Legislation  
General Fund Appropriation ..... \$ 1,297,670

## COUNCIL, OFFICE OF FINANCIAL REVIEW

103. Financial Review  
General Fund Appropriation ..... \$ 207,357

## COURTS

109. Psychiatric Evaluation  
General Fund Appropriation ..... \$ 15,000
110. Supreme Bench  
General Fund Appropriation ..... \$ 5,954,384  
Other Federal Fund Appropriation ..... \$ 213,903  
State Fund Appropriation ..... \$ 109,613
112. Orphans' Court  
General Fund Appropriation ..... \$ 150,567

## DISASTER CONTROL AND CIVIL DEFENSE, OFFICE OF

220. Disaster Planning  
General Fund Appropriation ..... \$ 232,602

## EDUCATION, DEPARTMENT OF

400. Administrative Direction and Control  
General Fund Appropriation ..... \$ 8,339,138  
Other Federal Fund Appropriation ..... \$ 4,415,469  
State Fund Appropriation ..... \$ 50,153
401. Instructional Services  
General Fund Appropriation ..... \$125,416,831  
Other Federal Fund Appropriation ..... \$ 27,280,859  
State Fund Appropriation ..... \$ 9,267,645  
Other Special Fund Appropriation ..... \$ 146,418
402. Pupil Personnel Services  
General Fund Appropriation ..... \$ 7,147,840  
Other Federal Fund Appropriation ..... \$ 284,020  
State Fund Appropriation ..... \$ 174,629
403. Pupil Transportation Services  
General Fund Appropriation ..... \$ 1,700,000  
State Fund Appropriation ..... \$ 7,629,032

|      |                                               |    |            |
|------|-----------------------------------------------|----|------------|
| 404. | Plant Operation Services                      |    |            |
|      | General Fund Appropriation .....              | \$ | 40,147,735 |
|      | Other Federal Fund Appropriation .....        | \$ | 23,073     |
| 405. | Plant Maintenance Services                    |    |            |
|      | General Fund Appropriation .....              | \$ | 12,919,824 |
|      | Other Federal Fund Appropriation .....        | \$ | 6,770      |
| 406. | Food Services                                 |    |            |
|      | General Fund Appropriation .....              | \$ | 70,000     |
|      | Other Special Fund Appropriation .....        | \$ | 18,347,840 |
| 407. | Student Body Services                         |    |            |
|      | General Fund Appropriation .....              | \$ | 950,140    |
| 411. | Educational Services for Exceptional Children |    |            |
|      | General Fund Appropriation .....              | \$ | 32,053,895 |
|      | Other Federal Fund Appropriation .....        | \$ | 5,754,802  |
|      | State Fund Appropriation .....                | \$ | 995,485    |
|      | Other Special Fund Appropriation .....        | \$ | 350        |
| 421. | Debt Service                                  |    |            |
|      | General Fund Appropriation .....              | \$ | 25,018,458 |

## ELECTIONS, SUPERVISORS OF

|      |                                             |    |         |
|------|---------------------------------------------|----|---------|
| 180. | Voter Registration and Conduct of Elections |    |         |
|      | General Fund Appropriation .....            | \$ | 686,484 |

EMPLOYEES RETIREMENT SYSTEMS,  
BOARDS OF TRUSTEES

|      |                                              |    |         |
|------|----------------------------------------------|----|---------|
| 152. | Administration, Employees Retirement Systems |    |         |
|      | General Fund Appropriation .....             | \$ | 310,000 |
|      | Other Special Fund Appropriation .....       | \$ | 636,599 |

## FINANCE, DEPARTMENT OF

|      |                                      |    |           |
|------|--------------------------------------|----|-----------|
| 140. | Administrative Direction and Control |    |           |
|      | General Fund Appropriation .....     | \$ | 266,559   |
| 141. | Budget and Management Research       |    |           |
|      | General Fund Appropriation .....     | \$ | 1,431,855 |
|      | Federal Revenue Sharing Fund         |    |           |
|      | Appropriation .....                  | \$ | 25,000    |



## 142. Accounting Systems and Operations

General Fund Appropriation ..... \$ 1,337,203

An internal service fund is hereby authorized to provide for accounting services of the Mobile Equipment Program, the costs of which are to be recovered from using agencies.

## 144. Purchasing

General Fund Appropriation ..... \$ 3,787,041

An internal service fund is hereby authorized to provide for operation of an oil delivery service, the costs of which are to be recovered from using agencies.

An internal service fund is hereby authorized to provide for operation of a municipal reproduction and printing service, the costs of which are to be recovered from using agencies.

An internal service fund is hereby authorized to provide for centralized automotive parts warehousing and inventory, the costs of which are to be recovered from using agencies.

## 147. Management Information Services

General Fund Appropriation ..... \$ 3,424,787

Federal Revenue Sharing Fund

Appropriation ..... \$ 100,000

## 150. Treasury Management

General Fund Appropriation ..... \$ 1,962,754

## 151. Central Payroll and Disbursements

General Fund Appropriation ..... \$ 1,758,077

Federal Revenue Sharing Fund

Appropriation ..... \$ 25,000

## FIRE, DEPARTMENT OF

## 210. Administrative Direction and Control

General Fund Appropriation ..... \$ 1,310,015

Federal Revenue Sharing Fund

Appropriation ..... \$ 1,554,503

|      |                                       |    |            |
|------|---------------------------------------|----|------------|
| 211. | Training                              |    |            |
|      | Federal Revenue Sharing Fund          |    |            |
|      | Appropriation .....                   | \$ | 369,488    |
| 212. | Fire Suppression                      |    |            |
|      | General Fund Appropriation .....      | \$ | 38,550,702 |
|      | Federal Revenue Sharing Fund          |    |            |
|      | Appropriation .....                   | \$ | 7,771,757  |
| 213. | Fire Prevention                       |    |            |
|      | Federal Revenue Sharing Fund          |    |            |
|      | Appropriation .....                   | \$ | 1,095,227  |
|      | Other Federal Fund Appropriation .... | \$ | 9,453      |
| 215. | Fire Alarm and Communications         |    |            |
|      | Federal Revenue Sharing Fund          |    |            |
|      | Appropriation .....                   | \$ | 1,655,602  |
| 217. | Equipment Maintenance                 |    |            |
|      | Federal Revenue Sharing Fund          |    |            |
|      | Appropriation .....                   | \$ | 1,072,087  |
| 219. | Non-Actuarial Retirement Benefits     |    |            |
|      | General Fund Appropriation .....      | \$ | 1,757,784  |
| 319. | Ambulance Service                     |    |            |
|      | Federal Revenue Sharing Fund          |    |            |
|      | Appropriation .....                   | \$ | 3,764,351  |

## HEALTH, DEPARTMENT OF

|      |                                       |    |           |
|------|---------------------------------------|----|-----------|
| 240. | Animal Control                        |    |           |
|      | General Fund Appropriation .....      | \$ | 747,887   |
| 300. | Administrative Direction and Control  |    |           |
|      | General Fund Appropriation .....      | \$ | 2,135,913 |
|      | State Fund Appropriation .....        | \$ | 60,157    |
| 302. | Environmental Health                  |    |           |
|      | General Fund Appropriation .....      | \$ | 2,812,356 |
|      | Other Federal Fund Appropriation .... | \$ | 150,181   |
|      | State Fund Appropriation .....        | \$ | 26,079    |
| 303. | Special Purpose Grants                |    |           |
|      | General Fund Appropriation .....      | \$ | 105,000   |
|      | Other Federal Fund Appropriation .... | \$ | 82,085    |
|      | State Fund Appropriation .....        | \$ | 388,372   |
|      | Other Special Fund Appropriation .... | \$ | 2,000,000 |

|      |                                        |    |            |
|------|----------------------------------------|----|------------|
| 304. | Adult Health Services                  |    |            |
|      | General Fund Appropriation .....       | \$ | 2,247,852  |
|      | Other Federal Fund Appropriation ....  | \$ | 1,342,533  |
|      | State Fund Appropriation .....         | \$ | 582,185    |
|      | Other Special Fund Appropriation ..... | \$ | 432,396    |
| 305. | Maternal and Infant Services           |    |            |
|      | General Fund Appropriation .....       | \$ | 75,041     |
|      | State Fund Appropriation .....         | \$ | 1,881,880  |
| 306. | General Nursing Services               |    |            |
|      | General Fund Appropriation .....       | \$ | 2,041,372  |
|      | Other Special Fund Appropriation ..... | \$ | 57,550     |
| 307. | Mental Health Services                 |    |            |
|      | General Fund Appropriation .....       | \$ | 1,197,452  |
|      | Other Federal Fund Appropriation ....  | \$ | 295,035    |
|      | State Fund Appropriation .....         | \$ | 14,368,473 |
|      | Other Special Fund Appropriation ..... | \$ | 15,000     |
| 308. | Children and Youth Services            |    |            |
|      | General Fund Appropriation .....       | \$ | 711,211    |
|      | Other Federal Fund Appropriation ....  | \$ | 331,742    |
|      | State Fund Appropriation .....         | \$ | 8,537,231  |
| 310. | School Health Services                 |    |            |
|      | General Fund Appropriation .....       | \$ | 1,981,060  |
|      | State Fund Appropriation .....         | \$ | 133,655    |
| 311. | Health Services for the Aging          |    |            |
|      | General Fund Appropriation .....       | \$ | 1,017,185  |
|      | Other Federal Fund Appropriation ....  | \$ | 613,914    |
|      | State Fund Appropriation .....         | \$ | 925,461    |

#### HOSPITALS, DEPARTMENT OF

|      |                                  |    |            |
|------|----------------------------------|----|------------|
| 335. | Administrative Services          |    |            |
|      | General Fund Appropriation ..... | \$ | 1,828,685  |
| 336. | Fiscal Services                  |    |            |
|      | General Fund Appropriation ..... | \$ | 2,946,709  |
| 337. | General Services                 |    |            |
|      | General Fund Appropriation ..... | \$ | 13,507,490 |
| 339. | Nursing Services                 |    |            |
|      | General Fund Appropriation ..... | \$ | 11,326,879 |



340. Professional Care of Patients  
General Fund Appropriation ..... \$ 5,942,819
341. Outpatient Care  
General Fund Appropriation ..... \$ 2,287,946
342. Diagnostic Services  
General Fund Appropriation ..... \$ 6,565,595
343. Grants and Special Projects  
Other Federal Fund Appropriation ..... \$ 2,704,776  
State Fund Appropriation ..... \$ 1,089,386  
Other Special Fund Appropriation ..... \$ 340,840  
A revolving fund is hereby authorized to provide for the receipt of funds donated by civic groups and individuals, and for the expenditure thereof for special hospital projects.
345. Paramedical Services  
General Fund Appropriation ..... \$ 4,188,400
347. Long Term Care  
General Fund Appropriation ..... \$ 5,223,831
348. Central Laundry Facility  
An internal service fund is hereby authorized to provide for operation of a central laundry service, the costs of which are to be recovered from using agencies.

## HOUSING AND COMMUNITY DEVELOPMENT, DEPARTMENT OF

119. Community Center Administration  
General Fund Appropriation ..... \$ 791,538  
Other Federal Fund Appropriation ..... \$ 378,400
177. Administrative Direction and Control  
General Fund Appropriation ..... \$ 12,032,035  
Other Federal Fund Appropriation ..... \$ 98,742
260. Construction and Building Inspection  
General Fund Appropriation ..... \$ 1,810,281  
Other Federal Fund Appropriation ..... \$ 778,270

|      |                                        |    |           |
|------|----------------------------------------|----|-----------|
| 570. | Preservation of Historic Places        |    |           |
|      | General Fund Appropriation .....       | \$ | 166,251   |
|      | Other Federal Fund Appropriation ..... | \$ | 40,000    |
| 581. | Planning                               |    |           |
|      | General Fund Appropriation .....       | \$ | 84,560    |
|      | Other Federal Fund Appropriation ..... | \$ | 412,100   |
| 582. | Land Development                       |    |           |
|      | General Fund Appropriation .....       | \$ | 780,106   |
|      | Other Federal Fund Appropriation ..... | \$ | 249,046   |
| 583. | Neighborhood Development               |    |           |
|      | General Fund Appropriation .....       | \$ | 4,148,022 |
|      | Other Federal Fund Appropriation ..... | \$ | 1,239,690 |
|      | State Fund Appropriation .....         | \$ | 116,000   |
| 584. | Charles Center/Inner Harbor Management |    |           |
|      | General Fund Appropriation .....       | \$ | 921,990   |
| 585. | Economic Development                   |    |           |
|      | General Fund Appropriation .....       | \$ | 861,000   |
|      | Other Federal Fund Appropriation ..... | \$ | 60,000    |
| 593. | Community Support Projects             |    |           |
|      | General Fund Appropriation .....       | \$ | 20,623    |
|      | Other Federal Fund Appropriation ..... | \$ | 3,090,635 |

### JAIL BOARD

|      |                                        |    |            |
|------|----------------------------------------|----|------------|
| 290. | Care and Custody of Prisoners          |    |            |
|      | General Fund Appropriation .....       | \$ | 15,086,734 |
| 293. | Jail Commissary                        |    |            |
|      | Other Special Fund Appropriation ..... | \$ | 275,983    |

### LAW, DEPARTMENT OF

|      |                                                                                                                                                                                                                                  |    |           |
|------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----|-----------|
| 175. | Legal Services                                                                                                                                                                                                                   |    |           |
|      | General Fund Appropriation .....                                                                                                                                                                                                 | \$ | 2,892,902 |
|      | Federal Revenue Sharing Fund                                                                                                                                                                                                     |    |           |
|      | Appropriation .....                                                                                                                                                                                                              | \$ | 252,608   |
|      | An internal service fund is hereby authorized to provide for a self-insurance program covering automotive equipment, police animal liability and employee liability, the costs of which are to be recovered from using agencies. |    |           |

## LEGISLATIVE REFERENCE, DEPARTMENT OF

|      |                                  |    |         |
|------|----------------------------------|----|---------|
| 106. | Legislative Reference Services   |    |         |
|      | General Fund Appropriation ..... | \$ | 175,176 |
| 107. | Records Management               |    |         |
|      | General Fund Appropriation ..... | \$ | 192,996 |

## LIBRARY, ENOCH PRATT FREE

|      |                                       |    |           |
|------|---------------------------------------|----|-----------|
| 450. | Administrative and Technical Services |    |           |
|      | General Fund Appropriation .....      | \$ | 702,730   |
|      | State Fund Appropriation .....        | \$ | 207,555   |
| 452. | Extension Services                    |    |           |
|      | General Fund Appropriation .....      | \$ | 4,502,361 |
|      | Federal Revenue Sharing Fund          |    |           |
|      | Appropriation .....                   | \$ | 500,000   |
| 453. | State Library Resource Center         |    |           |
|      | General Fund Appropriation .....      | \$ | 3,387,062 |
|      | State Fund Appropriation .....        | \$ | 1,182,473 |

## LIQUOR LICENSE COMMISSIONERS, BOARD OF

|      |                                  |    |         |
|------|----------------------------------|----|---------|
| 250. | Liquor Control                   |    |         |
|      | General Fund Appropriation ..... | \$ | 537,619 |

## MAYORALTY

|      |                                        |    |           |
|------|----------------------------------------|----|-----------|
| 125. | Executive Direction and Control        |    |           |
|      | General Fund Appropriation .....       | \$ | 1,100,147 |
|      | Motor Vehicle Fund Appropriation ..... | \$ | 14,105    |
|      | Other Federal Fund Appropriation ..... | \$ | 83,000    |
|      | State Fund Appropriation .....         | \$ | 134,170   |

## MAYORALTY—RELATED

|      |                                  |    |                       |
|------|----------------------------------|----|-----------------------|
| 121. | Contingent Fund                  |    |                       |
|      | General Fund Appropriation ..... | \$ | 750,000               |
| 122. | Miscellaneous General Expenses   |    |                       |
|      | General Fund Appropriation ..... | \$ | <del>12,167,580</del> |
|      |                                  | \$ | 11,767,580            |
| 124. | Intergovernmental Research       |    |                       |
|      | General Fund Appropriation ..... | \$ | 226,975               |



|      |                                                  |    |            |
|------|--------------------------------------------------|----|------------|
| 385. | Health and Welfare Grants                        |    |            |
|      | General Fund Appropriation .....                 | \$ | 80,950     |
| 446. | Educational Grants                               |    |            |
|      | General Fund Appropriation .....                 | \$ | 621,000    |
| 590. | Civic Promotion                                  |    |            |
|      | General Fund Appropriation .....                 | \$ | 6,764,569  |
| 128. | Labor Relations                                  |    |            |
|      | General Fund Appropriation .....                 | \$ | 157,330    |
| 324. | Aging and Retirement Education                   |    |            |
|      | General Fund Appropriation .....                 | \$ | 1,379,077  |
|      | Other Federal Fund Appropriation .....           | \$ | 249,817    |
|      | State Fund Appropriation .....                   | \$ | 5,490,871  |
| 492. | Promotion of Art and Culture                     |    |            |
|      | General Fund Appropriation .....                 | \$ | 2,111,487  |
|      | Other Special Fund Appropriation .....           | \$ | 25,000     |
| 572. | Telecommunications Coordination                  |    |            |
|      | General Fund Appropriation .....                 | \$ | 380,943    |
| 223. | Community Justice Self-Help                      |    |            |
|      | General Fund Appropriation .....                 | \$ | 116,423    |
|      | Other Federal Fund Appropriation .....           | \$ | 318,269    |
| 224. | Mayor's Coordinating Council on Criminal Justice |    |            |
|      | General Fund Appropriation .....                 | \$ | 253,872    |
|      | Other Federal Fund Appropriation .....           | \$ | 246,845    |
| 630. | Administration (Title I)                         |    |            |
|      | General Fund Appropriation .....                 | \$ | 35,000     |
|      | Other Federal Fund Appropriation .....           | \$ | 12,658,334 |
| 631. | Comprehensive Manpower (Title II)                |    |            |
|      | Other Federal Fund Appropriation .....           | \$ | 24,600,437 |
| 632. | Public Service Employment (Title II)             |    |            |
|      | General Fund Appropriation .....                 | \$ | 10,000     |
|      | Other Federal Fund Appropriation .....           | \$ | 7,132,983  |
| 633. | Comprehensive Manpower (Title III)               |    |            |
|      | Other Federal Fund Appropriation .....           | \$ | 1,628,672  |
| 635. | Comprehensive Manpower (Title IV)                |    |            |
|      | Other Federal Fund Appropriation .....           | \$ | 18,075,125 |

|             |                                              |    |           |
|-------------|----------------------------------------------|----|-----------|
| <b>637.</b> | <b>Public Service Employment (Title VI)</b>  |    |           |
|             | General Fund Appropriation .....             | \$ | 20,000    |
|             | Other Federal Fund Appropriation .....       | \$ | 5,580,362 |
| <b>638.</b> | <b>Private Sector Initiative (Title VII)</b> |    |           |
|             | General Fund Appropriation .....             | \$ | 69,599    |
|             | Other Federal Fund Appropriation .....       | \$ | 3,558,138 |
| <b>639.</b> | <b>Special Services</b>                      |    |           |
|             | General Fund Appropriation .....             | \$ | 477,901   |
|             | Other Federal Fund Appropriation .....       | \$ | 2,267,452 |
|             | State Fund Appropriation .....               | \$ | 1,760,634 |
|             | Other Special Fund Appropriation .....       | \$ | 336,439   |

#### MAYOR'S ADVISORY COMMITTEE ON SMALL BUSINESS

|             |                                    |    |        |
|-------------|------------------------------------|----|--------|
| <b>575.</b> | <b>Liaison with Small Business</b> |    |        |
|             | General Fund Appropriation .....   | \$ | 62,688 |

#### MUSEUM OF ART

|             |                                        |    |           |
|-------------|----------------------------------------|----|-----------|
| <b>489.</b> | <b>Operation of Museum of Art</b>      |    |           |
|             | General Fund Appropriation .....       | \$ | 1,702,594 |
|             | Other Special Fund Appropriation ..... | \$ | 145,000   |

#### MUNICIPAL MUSEUM, BOARD OF TRUSTEES

|             |                                       |    |         |
|-------------|---------------------------------------|----|---------|
| <b>490.</b> | <b>Operation of Municipal Museums</b> |    |         |
|             | General Fund Appropriation .....      | \$ | 193,536 |

#### OCCUPATIONAL MEDICINE AND SAFETY, OFFICE OF

|             |                                         |    |           |
|-------------|-----------------------------------------|----|-----------|
| <b>167.</b> | <b>Occupational Medicine and Safety</b> |    |           |
|             | General Fund Appropriation .....        | \$ | 1,300,166 |

#### OFF-STREET PARKING COMMISSION

|             |                                                     |    |         |
|-------------|-----------------------------------------------------|----|---------|
| <b>579.</b> | <b>Development of Off-Street Parking Facilities</b> |    |         |
|             | General Fund Appropriation .....                    | \$ | 369,166 |

#### PLANNING, DEPARTMENT OF

|             |                                        |    |           |
|-------------|----------------------------------------|----|-----------|
| <b>187.</b> | <b>City Planning</b>                   |    |           |
|             | General Fund Appropriation .....       | \$ | 1,436,781 |
|             | Motor Vehicle Fund Appropriation ..... | \$ | 190,132   |
|             | Other Federal Fund Appropriation ..... | \$ | 682,400   |
|             | State Fund Appropriation .....         | \$ | 272,000   |

## POLICE, DEPARTMENT OF

|      |                                        |    |            |
|------|----------------------------------------|----|------------|
| 200. | Administrative Direction and Control   |    |            |
|      | General Fund Appropriation .....       | \$ | 7,599,097  |
| 201. | General Patrol                         |    |            |
|      | General Fund Appropriation .....       | \$ | 64,646,365 |
| 202. | Investigations                         |    |            |
|      | General Fund Appropriation .....       | \$ | 8,412,870  |
| 203. | Traffic                                |    |            |
|      | Motor Vehicle Fund Appropriation ..... | \$ | 4,899,431  |
|      | State Fund Appropriation .....         | \$ | 159,070    |
| 204. | Services Bureau                        |    |            |
|      | General Fund Appropriation .....       | \$ | 13,442,685 |
| 205. | Non-Actuarial Retirement Benefits      |    |            |
|      | General Fund Appropriation .....       | \$ | 9,498,940  |

## PUBLIC WORKS, DEPARTMENT OF

|      |                                                                                                                                                                                           |    |           |
|------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----|-----------|
| 189. | Mobile Equipment                                                                                                                                                                          |    |           |
|      | An internal service fund is hereby authorized to provide for operation of a central automotive and mechanical repair service, the costs of which are to be recovered from using agencies. |    |           |
| 190. | Administrative Direction and Control                                                                                                                                                      |    |           |
|      | General Fund Appropriation .....                                                                                                                                                          | \$ | 1,593,065 |
| 191. | Survey Control                                                                                                                                                                            |    |           |
|      | General Fund Appropriation .....                                                                                                                                                          | \$ | 1,468,455 |
| 192. | General Services Administration                                                                                                                                                           |    |           |
|      | General Fund Appropriation .....                                                                                                                                                          | \$ | 109,607   |
| 193. | Public Building Management                                                                                                                                                                |    |           |
|      | General Fund Appropriation .....                                                                                                                                                          | \$ | 4,571,961 |
| 195. | Abandoned Vehicles                                                                                                                                                                        |    |           |
|      | Motor Vehicle Fund Appropriation .....                                                                                                                                                    | \$ | 1,551,426 |
|      | State Fund Appropriation .....                                                                                                                                                            | \$ | 11,755    |
| 196. | Special Services                                                                                                                                                                          |    |           |
|      | General Fund Appropriation .....                                                                                                                                                          | \$ | 1,741,013 |
|      | Motor Vehicle Fund Appropriation .....                                                                                                                                                    | \$ | 948,849   |



241. Materials, Weights and Measures Testing  
General Fund Appropriation ..... \$ 567,562
242. Public Building Construction Inspection  
An internal service fund is hereby authorized to provide for contract management and inspection of municipal building construction, the costs of which are to be recovered from capital project appropriations.
243. Highway, Bridge and Utility Construction Inspection  
An internal service fund is hereby authorized to provide for contract management and inspection of municipal highway, bridge and utility construction, the costs of which are to be recovered from capital project appropriations.
500. Street Lighting  
Motor Vehicle Fund Appropriation ..... \$ 12,168,985
501. Public Streets, Bridges and Highways  
Motor Vehicle Fund Appropriation ..... \$ 8,394,097
503. Highway Administration and Engineering  
Motor Vehicle Fund Appropriation ..... \$ 25,065,758
515. Solid Waste Collection  
General Fund Appropriation ..... \$ 10,505,381  
Federal Revenue Sharing Fund  
Appropriation ..... \$ 323,794  
Motor Vehicle Fund Appropriation ..... \$ 9,456,186
516. Solid Waste Disposal  
General Fund Appropriation ..... \$ 9,088,016  
Federal Revenue Sharing Fund  
Appropriation ..... \$ 871,159
518. Maintenance and Repair of Storm Water Systems  
General Fund Appropriation ..... \$ 2,087,371
519. Solid Waste Administration and Engineering  
General Fund Appropriation ..... \$ 340,823
544. Maintenance and Repair of Sanitary Systems  
Waste Water Utility Fund Appropriation \$ 3,901,432

|      |                                                    |    |            |
|------|----------------------------------------------------|----|------------|
| 546. | Water Distribution, Water Meters and Investigation |    |            |
|      | Water Utility Fund Appropriation . . . . .         | \$ | 7,851,084  |
| 548. | Conduits                                           |    |            |
|      | General Fund Appropriation . . . . .               | \$ | 1,465,930  |
| 550. | Waste Water Treatment and Pumping                  |    |            |
|      | Waste Water Utility Fund Appropriation             | \$ | 20,153,303 |
| 552. | Water Supply Treatment and Pumping                 |    |            |
|      | Water Utility Fund Appropriation . . . . .         | \$ | 8,735,003  |
| 553. | Water Administration and Engineering               |    |            |
|      | Water Utility Fund Appropriation . . . . .         | \$ | 9,661,267  |
| 554. | Waste Water Administration and Engineering         |    |            |
|      | General Fund Appropriation . . . . .               | \$ | 72,919     |
|      | Other Federal Fund Appropriation . . . . .         | \$ | 251,736    |
|      | Waste Water Utility Fund Appropriation             | \$ | 6,162,597  |
| 561. | Metered Water Accounts                             |    |            |
|      | Water Utility Fund Appropriation . . . . .         | \$ | 4,105,969  |

# RECREATION AND PARKS, DEPARTMENT OF

|      |                                             |    |           |
|------|---------------------------------------------|----|-----------|
| 471. | Administrative Direction and Control        |    |           |
|      | General Fund Appropriation . . . . .        | \$ | 2,917,233 |
| 473. | Municipal Concerts and Other Musical Events |    |           |
|      | General Fund Appropriation . . . . .        | \$ | 90,952    |
| 478. | General Park Services                       |    |           |
|      | General Fund Appropriation . . . . .        | \$ | 8,728,437 |
|      | Federal Revenue Sharing Fund                |    |           |
|      | Appropriation . . . . .                     | \$ | 650,708   |
|      | State Fund Appropriation . . . . .          | \$ | 841,400   |
| 479. | Special Park Facilities                     |    |           |
|      | General Fund Appropriation . . . . .        | \$ | 5,118,457 |
|      | Other Special Fund Appropriation . . . . .  | \$ | 165,000   |
| 480. | Regular Recreational Services               |    |           |
|      | General Fund Appropriation . . . . .        | \$ | 5,829,670 |
|      | Federal Revenue Sharing Fund                |    |           |
|      | Appropriation . . . . .                     | \$ | 4,439,716 |
|      | State Fund Appropriation . . . . .          | \$ | 236,682   |

482. Supplementary Recreational Services
- |                                        |    |         |
|----------------------------------------|----|---------|
| Other Federal Fund Appropriation ..... | \$ | 287,550 |
| State Fund Appropriation .....         | \$ | 140,698 |
| Other Special Fund Appropriation ..... | \$ | 30,500  |

A revolving fund is hereby authorized to provide for the receipt of funds from sports franchise charges and various private activities such as community dances and for expenditure thereof for recreation purposes not supported by City appropriation.

505. Street Trees
- |                                  |    |         |
|----------------------------------|----|---------|
| General Fund Appropriation ..... | \$ | 900,154 |
|----------------------------------|----|---------|

### SHERIFF, OFFICE OF

118. Sheriff Services
- |                                        |    |           |
|----------------------------------------|----|-----------|
| General Fund Appropriation .....       | \$ | 2,178,330 |
| Other Federal Fund Appropriation ..... | \$ | 203,773   |

### SOCIAL SERVICES, DEPARTMENT OF

359. Supportive Service Agencies
- |                                  |    |        |
|----------------------------------|----|--------|
| General Fund Appropriation ..... | \$ | 28,000 |
|----------------------------------|----|--------|

365. Public Assistance
- |                                  |    |             |
|----------------------------------|----|-------------|
| General Fund Appropriation ..... | \$ | 215,000     |
| State Fund Appropriation .....   | \$ | 184,351,150 |

Provided that \$15,000 per month from each of the aforementioned appropriations will be allotted for General Public Assistance-Employable grants.

368. Special Care Projects
- |                                        |    |         |
|----------------------------------------|----|---------|
| General Fund Appropriation .....       | \$ | 278,500 |
| Other Federal Fund Appropriation ..... | \$ | 868,500 |
| State Fund Appropriation .....         | \$ | 75,240  |

369. Cylburn Home
- |                                        |    |         |
|----------------------------------------|----|---------|
| General Fund Appropriation .....       | \$ | 723,478 |
| Other Special Fund Appropriation ..... | \$ | 25,000  |

370. Day Care for Children
- |                                |    |           |
|--------------------------------|----|-----------|
| State Fund Appropriation ..... | \$ | 4,549,615 |
|--------------------------------|----|-----------|



|      |                                  |    |           |
|------|----------------------------------|----|-----------|
| 371. | Food Stamp Administration        |    |           |
|      | State Fund Appropriation .....   | \$ | 2,300,390 |
| 374. | Emergency Services               |    |           |
|      | General Fund Appropriation ..... | \$ | 158,962   |
|      | State Fund Appropriation .....   | \$ | 158,962   |

## STATE'S ATTORNEY, OFFICE OF

|      |                                        |    |           |
|------|----------------------------------------|----|-----------|
| 115. | Prosecution of Criminals               |    |           |
|      | General Fund Appropriation .....       | \$ | 4,186,175 |
|      | Other Federal Fund Appropriation ..... | \$ | 635,852   |

## TRANSIT AND TRAFFIC, DEPARTMENT OF

|      |                                                 |    |           |
|------|-------------------------------------------------|----|-----------|
| 230. | Administrative Direction and Control            |    |           |
|      | Motor Vehicle Fund Appropriation .....          | \$ | 1,046,762 |
|      | State Fund Appropriation .....                  | \$ | 71,635    |
| 231. | Traffic Planning and Engineering                |    |           |
|      | Motor Vehicle Fund Appropriation .....          | \$ | 1,130,349 |
| 232. | Metered Parking Control                         |    |           |
|      | General Fund Appropriation .....                | \$ | 1,474,704 |
| 233. | Traffic Signs and Street Markings               |    |           |
|      | Motor Vehicle Fund Appropriation .....          | \$ | 1,444,300 |
|      | State Fund Appropriation .....                  | \$ | 8,000     |
| 234. | Construction and Maintenance of Traffic Signals |    |           |
|      | Motor Vehicle Fund Appropriation .....          | \$ | 2,837,881 |

## URBAN SERVICES AGENCY

|      |                                        |    |           |
|------|----------------------------------------|----|-----------|
| 171. | Administration                         |    |           |
|      | General Fund Appropriation .....       | \$ | 610,876   |
|      | Other Federal Fund Appropriation ..... | \$ | 4,191,836 |
|      | State Fund Appropriation .....         | \$ | 71,853    |
| 172. | USA Neighborhood Organization          |    |           |
|      | General Fund Appropriation .....       | \$ | 359,242   |
|      | Other Federal Fund Appropriation ..... | \$ | 2,827,110 |
| 296. | USA Legal Assistance                   |    |           |
|      | Other Federal Fund Appropriation ..... | \$ | 53,989    |
| 322. | USA Comprehensive Health Services      |    |           |
|      | Other Federal Fund Appropriation ..... | \$ | 1,300,000 |

|      |                                            |    |           |
|------|--------------------------------------------|----|-----------|
| 326. | USA Health                                 |    |           |
|      | Other Federal Fund Appropriation . . . . . | \$ | 119,715   |
| 376. | USA Social Services                        |    |           |
|      | General Fund Appropriation . . . . .       | \$ | 279,525   |
|      | Other Federal Fund Appropriation . . . . . | \$ | 1,367,114 |
| 395. | USA Children's Services                    |    |           |
|      | General Fund Appropriation . . . . .       | \$ | 200,000   |
|      | Other Federal Fund Appropriation . . . . . | \$ | 2,906,538 |
| 396. | USA Family and Community Services          |    |           |
|      | General Fund Appropriation . . . . .       | \$ | 79,000    |
|      | Other Federal Fund Appropriation . . . . . | \$ | 501,460   |
| 426. | USA Education                              |    |           |
|      | General Fund Appropriation . . . . .       | \$ | 66,180    |
|      | Other Federal Fund Appropriation . . . . . | \$ | 454,053   |
| 470. | USA Library Services                       |    |           |
|      | Other Federal Fund Appropriation . . . . . | \$ | 61,600    |
| 496. | USA Recreation                             |    |           |
|      | Other Federal Fund Appropriation . . . . . | \$ | 586,838   |
| 576. | USA Business Assistance                    |    |           |
|      | Other Federal Fund Appropriation . . . . . | \$ | 110,325   |
| 578. | USA Housing                                |    |           |
|      | Other Federal Fund Appropriation . . . . . | \$ | 145,067   |

## WAGE COMMISSION

|      |                                      |    |         |
|------|--------------------------------------|----|---------|
| 165. | Wage Enforcement                     |    |         |
|      | General Fund Appropriation . . . . . | \$ | 179,906 |

## WAR MEMORIAL COMMISSION

|      |                                      |    |         |
|------|--------------------------------------|----|---------|
| 487. | Operation of War Memorial Building   |    |         |
|      | General Fund Appropriation . . . . . | \$ | 183,044 |

ZONING APPEALS, DEPARTMENT OF  
MUNICIPAL AND

|      |                                      |    |         |
|------|--------------------------------------|----|---------|
| 185. | Zoning, Tax and Other Appeals        |    |         |
|      | General Fund Appropriation . . . . . | \$ | 282,987 |

## B. CAPITAL BUDGET

### CIVIC CENTER COMMISSION

#### Construction Reserve

|                                                                                                                |    |         |
|----------------------------------------------------------------------------------------------------------------|----|---------|
| General Fund Appropriation .....                                                                               | \$ | 484,000 |
| Provided that the foregoing<br>Capital Improvement Appropriation<br>herein made is for the following projects: |    |         |
| Safety Improvements                                                                                            |    |         |
| General Fund Appropriation .....                                                                               | \$ | 100,000 |
| Ice Rink Repair                                                                                                |    |         |
| General Fund Appropriation .....                                                                               | \$ | 334,000 |
| Chair Replacement                                                                                              |    |         |
| General Fund Appropriation .....                                                                               | \$ | 50,000  |

### COMMUNITY COLLEGE OF BALTIMORE

#### Construction Reserve

|                                                                                                                  |    |         |
|------------------------------------------------------------------------------------------------------------------|----|---------|
| General Fund Appropriation .....                                                                                 | \$ | 130,000 |
| State Fund Appropriation .....                                                                                   | \$ | 70,000  |
| Provided that the foregoing<br>Capital Improvement Appropriations<br>herein made are for the following projects: |    |         |
| Harbor Campus Mechanical Modification                                                                            |    |         |
| General Fund Appropriation .....                                                                                 | \$ | 100,000 |
| Liberty Campus Site Development                                                                                  |    |         |
| General Fund Appropriation .....                                                                                 | \$ | 30,000  |
| State Fund Appropriation .....                                                                                   | \$ | 70,000  |

### COMPTROLLER, DEPARTMENT OF

#### Construction Reserve

|                                                                                                                  |    |         |
|------------------------------------------------------------------------------------------------------------------|----|---------|
| General Fund Appropriation .....                                                                                 | \$ | 150,000 |
| State Fund Appropriation .....                                                                                   | \$ | 40,000  |
| Provided that the foregoing<br>Capital Improvement Appropriations<br>herein made are for the following projects: |    |         |
| Hollins Market Improvements                                                                                      |    |         |
| General Fund Appropriation .....                                                                                 | \$ | 100,000 |
| Broadway Market (North Shed) Roof                                                                                |    |         |
| General Fund Appropriation .....                                                                                 | \$ | 50,000  |
| Derelict Boat and Pier Removal                                                                                   |    |         |
| State Fund Appropriation .....                                                                                   | \$ | 40,000  |



## EDUCATION, DEPARTMENT OF

## Construction Reserve

|                                        |               |
|----------------------------------------|---------------|
| Loan Fund Appropriation .....          | \$ 7,120,000  |
| Other Federal Fund Appropriation ..... | \$ 456,000    |
| State Fund Appropriation .....         | \$ 15,651,000 |
| State Loan Fund Appropriation .....    | \$ 2,000,000  |

Provided that the foregoing

Capital Improvement Appropriations

herein made are for the following projects:

## Automatic Temperature Control Repair—

Various Schools

|                                      |            |
|--------------------------------------|------------|
| Other Federal Fund Appropriation ... | \$ 256,000 |
|--------------------------------------|------------|

## Energy Conservation Program

|                                      |            |
|--------------------------------------|------------|
| Other Federal Fund Appropriation ... | \$ 200,000 |
|--------------------------------------|------------|

## Forest Park Senior High School No. 406

Replacement

|                               |              |
|-------------------------------|--------------|
| Loan Fund Appropriation ..... | \$ 2,000,000 |
|-------------------------------|--------------|

## Robert Poole Junior High No. 56

Renovation

|                               |            |
|-------------------------------|------------|
| Loan Fund Appropriation ..... | \$ 433,000 |
|-------------------------------|------------|

## Mount Royal Intermediate School No. 66

Renovation/Addition

|                               |           |
|-------------------------------|-----------|
| Loan Fund Appropriation ..... | \$ 70,000 |
|-------------------------------|-----------|

|                                |           |
|--------------------------------|-----------|
| State Fund Appropriation ..... | \$ 75,000 |
|--------------------------------|-----------|

## Frederick Douglass Senior High School

No. 450 Renovation

|                               |              |
|-------------------------------|--------------|
| Loan Fund Appropriation ..... | \$ 1,343,000 |
|-------------------------------|--------------|

|                                |               |
|--------------------------------|---------------|
| State Fund Appropriation ..... | \$ 11,118,000 |
|--------------------------------|---------------|

## Lyndhurst Elementary School No. 88

Renovation/Addition

|                               |           |
|-------------------------------|-----------|
| Loan Fund Appropriation ..... | \$ 92,000 |
|-------------------------------|-----------|

## Westside Skill Center No. 420 Construction

|                               |              |
|-------------------------------|--------------|
| Loan Fund Appropriation ..... | \$ 1,942,000 |
|-------------------------------|--------------|

|                                |              |
|--------------------------------|--------------|
| State Fund Appropriation ..... | \$ 1,172,000 |
|--------------------------------|--------------|

## Dunbar Middle School No. 133 Renovation

|                               |            |
|-------------------------------|------------|
| Loan Fund Appropriation ..... | \$ 940,000 |
|-------------------------------|------------|

## Elementary School No. 260 (Replaces

Schools No. 200 and No. 68)

|                               |            |
|-------------------------------|------------|
| Loan Fund Appropriation ..... | \$ 300,000 |
|-------------------------------|------------|

|                                |              |
|--------------------------------|--------------|
| State Fund Appropriation ..... | \$ 3,286,000 |
|--------------------------------|--------------|

## Roof Replacement—Various Schools

|                                     |              |
|-------------------------------------|--------------|
| State Loan Fund Appropriation ..... | \$ 2,000,000 |
|-------------------------------------|--------------|

## FIRE DEPARTMENT

## Construction Reserve

|                                                                                                                     |    |         |
|---------------------------------------------------------------------------------------------------------------------|----|---------|
| General Fund Appropriation .....                                                                                    | \$ | 200,000 |
| Provided that the foregoing<br>General Fund Appropriation<br>herein made is for the<br>Fire Academy Rehabilitation. |    |         |

## HEALTH DEPARTMENT

## Construction Reserve

|                                                                                                                                 |    |        |
|---------------------------------------------------------------------------------------------------------------------------------|----|--------|
| General Fund Appropriation .....                                                                                                | \$ | 50,000 |
| Provided that the foregoing<br>General Fund Appropriation herein<br>made is for the Provident-Druid<br>Community Health Center. |    |        |

## HOSPITALS, DEPARTMENT OF

## Construction Reserve

|                                                                                                                  |    |         |
|------------------------------------------------------------------------------------------------------------------|----|---------|
| General Fund Appropriation .....                                                                                 | \$ | 250,000 |
| Other Federal Fund Appropriation .....                                                                           | \$ | 135,000 |
| Provided that the foregoing<br>Capital Improvement Appropriations<br>herein made are for the following projects: |    |         |
| City Hospitals (Acute Hospital)                                                                                  |    |         |
| General Fund Appropriation .....                                                                                 | \$ | 250,000 |
| Energy Conservation—A Building                                                                                   |    |         |
| Other Federal Fund Appropriation ...                                                                             | \$ | 20,000  |
| Energy Conservation—B Building                                                                                   |    |         |
| Other Federal Fund Appropriation ...                                                                             | \$ | 20,000  |
| Energy Conservation—AA Building                                                                                  |    |         |
| Other Federal Fund Appropriation ...                                                                             | \$ | 40,000  |
| Energy Conservation—D Building                                                                                   |    |         |
| Other Federal Fund Appropriation ...                                                                             | \$ | 55,000  |

HOUSING AND COMMUNITY DEVELOPMENT,  
DEPARTMENT OF

## Construction Reserve

|                                                                  |    |            |
|------------------------------------------------------------------|----|------------|
| Loan Fund Appropriation .....                                    | \$ | 24,225,000 |
| General Fund Appropriation .....                                 | \$ | 400,000    |
| Mayor and City Council Real Property<br>Fund Appropriation ..... |    |            |
|                                                                  | \$ | 2,700,000  |

|                                            |               |
|--------------------------------------------|---------------|
| Other Federal Fund Appropriation . . . . . | \$ 35,545,000 |
| State Fund Appropriation . . . . .         | \$ 7,178,000  |
| Private Grant Fund Appropriation . . . . . | \$ 45,000     |

Provided that the foregoing

Capital Improvement Appropriations

herein made are for the following projects:

#### 26-H Housing Program

|                                   |            |
|-----------------------------------|------------|
| Loan Fund Appropriation . . . . . | \$ 250,000 |
|-----------------------------------|------------|

Mayor and City Council Real Property

|                              |            |
|------------------------------|------------|
| Fund Appropriation . . . . . | \$ 500,000 |
|------------------------------|------------|

#### Neighborhood Services Program

|                                   |            |
|-----------------------------------|------------|
| Loan Fund Appropriation . . . . . | \$ 500,000 |
|-----------------------------------|------------|

#### Commercial Area Improvement Program

|                                    |              |
|------------------------------------|--------------|
| State Fund Appropriation . . . . . | \$ 2,000,000 |
|------------------------------------|--------------|

#### Park Heights—Near Pimlico Race Track

|                                        |            |
|----------------------------------------|------------|
| State Racetrack Fund Appropriation . . | \$ 160,000 |
|----------------------------------------|------------|

#### Lexington Market Expansion and

Station Development

|                                   |              |
|-----------------------------------|--------------|
| Loan Fund Appropriation . . . . . | \$ 5,000,000 |
|-----------------------------------|--------------|

|                                      |            |
|--------------------------------------|------------|
| General Fund Appropriation . . . . . | \$ 400,000 |
|--------------------------------------|------------|

|                                        |              |
|----------------------------------------|--------------|
| Other Federal Fund Appropriation . . . | \$ 3,200,000 |
|----------------------------------------|--------------|

#### Howard Park Commercial Parking Lot

|                                   |            |
|-----------------------------------|------------|
| Loan Fund Appropriation . . . . . | \$ 150,000 |
|-----------------------------------|------------|

#### South Baltimore Commercial Parking Lot

|                                   |            |
|-----------------------------------|------------|
| Loan Fund Appropriation . . . . . | \$ 125,000 |
|-----------------------------------|------------|

#### Seton Business Park

|                                   |            |
|-----------------------------------|------------|
| Loan Fund Appropriation . . . . . | \$ 500,000 |
|-----------------------------------|------------|

Mayor and City Council Real Property

|                              |              |
|------------------------------|--------------|
| Fund Appropriation . . . . . | \$ 1,100,000 |
|------------------------------|--------------|

|                                    |              |
|------------------------------------|--------------|
| State Fund Appropriation . . . . . | \$ 2,000,000 |
|------------------------------------|--------------|

#### East Biddle Industrial Area (BEDCO)

|                                    |              |
|------------------------------------|--------------|
| State Fund Appropriation . . . . . | \$ 1,000,000 |
|------------------------------------|--------------|

#### Berlin Steel—Action Grant

|                                        |            |
|----------------------------------------|------------|
| Other Federal Fund Appropriation . . . | \$ 300,000 |
|----------------------------------------|------------|

#### Sequerra—Action Grant

|                                        |              |
|----------------------------------------|--------------|
| Other Federal Fund Appropriation . . . | \$ 1,502,000 |
|----------------------------------------|--------------|

#### Franklin Square—Action Grant

|                                        |              |
|----------------------------------------|--------------|
| Other Federal Fund Appropriation . . . | \$ 1,200,000 |
|----------------------------------------|--------------|

#### Hunter Place—Action Grant

|                                        |            |
|----------------------------------------|------------|
| Other Federal Fund Appropriation . . . | \$ 350,000 |
|----------------------------------------|------------|

#### Chesapeake Center—Action Grant

|                                        |              |
|----------------------------------------|--------------|
| Other Federal Fund Appropriation . . . | \$ 2,100,000 |
|----------------------------------------|--------------|



|                                                |              |
|------------------------------------------------|--------------|
| Charles Center (Lot 3B)—Action Grant           |              |
| Other Federal Fund Appropriation ...           | \$ 6,500,000 |
| Washington Hill II—Action Grant                |              |
| Other Federal Fund Appropriation ...           | \$ 175,000   |
| Lexington Green—Action Grant                   |              |
| Other Federal Fund Appropriation ...           | \$ 482,000   |
| Area 20—Action Grant                           |              |
| Other Federal Fund Appropriation ...           | \$ 8,800,000 |
| Coldspring Terrace—Action Grant                |              |
| Other Federal Fund Appropriation ...           | \$ 2,430,000 |
| Mount Clare Yards—Action Grant                 |              |
| Other Federal Fund Appropriation ...           | \$ 1,831,000 |
| Riverside/Housing Assistance Corporation—      |              |
| Action Grant                                   |              |
| Other Federal Fund Appropriation ...           | \$ 323,000   |
| 1000 West Lexington Street—Action Grant        |              |
| Other Federal Fund Appropriation ...           | \$ 743,000   |
| Howard Street Commercial Area Improvements     |              |
| Loan Fund Appropriation .....                  | \$ 500,000   |
| Inner Harbor Hotel and Parking Garage—         |              |
| Action Grant                                   |              |
| Other Federal Fund Appropriation ...           | \$ 3,500,000 |
| Bayview Industrial Park Drainage               |              |
| Improvements                                   |              |
| Other Federal Fund Appropriation ...           | \$ 72,000    |
| State Fund Appropriation .....                 | \$ 18,000    |
| Private Grant Appropriation .....              | \$ 45,000    |
| Oliver Street Plaza—Action Grant               |              |
| Other Federal Fund Appropriation ...           | \$ 159,000   |
| Caton I-95 Industrial Development              |              |
| Loan Fund Appropriation .....                  | \$ 500,000   |
| Fairfield Homes Playground Improvements        |              |
| Other Federal Fund Appropriation ...           | \$ 178,000   |
| East Baltimore Street Shopsteading Areas       |              |
| Improvements                                   |              |
| Loan Fund Appropriation .....                  | \$ 150,000   |
| Pimlico Commercial Revitalization              |              |
| Improvements                                   |              |
| Loan Fund Appropriation .....                  | \$ 400,000   |
| South Charles Street Commercial Revitalization |              |
| Area Improvements                              |              |
| Loan Fund Appropriation .....                  | \$ 250,000   |

|                                      |    |           |
|--------------------------------------|----|-----------|
| Upton Commercial Revitalization Area |    |           |
| Improvements                         |    |           |
| Loan Fund Appropriation .....        | \$ | 150,000   |
| Small Commercial Revitalization Area |    |           |
| Improvements                         |    |           |
| Loan Fund Appropriation .....        | \$ | 50,000    |
| Park Circle Industrial Improvement   |    |           |
| Loan Fund Appropriation .....        | \$ | 1,000,000 |
| Mayor and City Council Real Property |    |           |
| Fund Appropriation .....             | \$ | 1,100,000 |
| Other Federal Fund Appropriation ... | \$ | 1,200,000 |
| State Fund Appropriation .....       | \$ | 2,000,000 |
| Oliver Renewal                       |    |           |
| Loan Fund Appropriation .....        | \$ | 4,000     |
| Washington Hill-Chapel Renewal       |    |           |
| Loan Fund Appropriation .....        | \$ | 41,000    |
| Park Heights Renewal                 |    |           |
| Loan Fund Appropriation .....        | \$ | 81,000    |
| Mount Vernon                         |    |           |
| Loan Fund Appropriation .....        | \$ | 5,000     |
| Gay Street Renewal                   |    |           |
| Loan Fund Appropriation .....        | \$ | 25,000    |
| Fells Point Renewal                  |    |           |
| Loan Fund Appropriation .....        | \$ | 187,000   |
| Poppleton Renewal                    |    |           |
| Loan Fund Appropriation .....        | \$ | 150,000   |
| Upton Renewal                        |    |           |
| Loan Fund Appropriation .....        | \$ | 450,000   |
| Inner Harbor East Renewal            |    |           |
| Loan Fund Appropriation .....        | \$ | 500,000   |
| Jonestown Renewal                    |    |           |
| Loan Fund Appropriation .....        | \$ | 100,000   |
| Johnston Square Renewal              |    |           |
| Loan Fund Appropriation .....        | \$ | 150,000   |
| Coldstream-Homestead-Montebello      |    |           |
| Loan Fund Appropriation .....        | \$ | 50,000    |
| Barclay                              |    |           |
| Loan Fund Appropriation .....        | \$ | 251,000   |
| Washington Village                   |    |           |
| Loan Fund Appropriation .....        | \$ | 39,000    |
| Franklin Square                      |    |           |
| Loan Fund Appropriation .....        | \$ | 30,000    |

|                                                                                                                  |    |           |
|------------------------------------------------------------------------------------------------------------------|----|-----------|
| East Baltimore Midway                                                                                            |    |           |
| Loan Fund Appropriation .....                                                                                    | \$ | 25,000    |
| West Cold Spring Transit Station Area                                                                            |    |           |
| Loan Fund Appropriation .....                                                                                    | \$ | 54,000    |
| Arlington Transit Station                                                                                        |    |           |
| Loan Fund Appropriation .....                                                                                    | \$ | 13,000    |
| Govans                                                                                                           |    |           |
| Loan Fund Appropriation .....                                                                                    | \$ | 45,000    |
| Commercial Rehabilitation Loan Program                                                                           |    |           |
| Loan Fund Appropriation .....                                                                                    | \$ | 3,000,000 |
| Energy Conservation Loan Program                                                                                 |    |           |
| Loan Fund Appropriation .....                                                                                    | \$ | 1,500,000 |
| Residential Loan Program                                                                                         |    |           |
| Loan Fund Appropriation .....                                                                                    | \$ | 2,000,000 |
| Housing Development Loan                                                                                         |    |           |
| Loan Fund Appropriation .....                                                                                    | \$ | 6,000,000 |
| Industrial Development Fund                                                                                      |    |           |
| Other Federal Fund Appropriation ...                                                                             | \$ | 500,000   |
| Construction Reserve—Historical and<br>Architectural Preservation                                                |    |           |
| General Fund Appropriation .....                                                                                 | \$ | 51,000    |
| State Fund Appropriation .....                                                                                   | \$ | 86,000    |
| Private Grant Fund .....                                                                                         | \$ | 30,000    |
| Provided that the foregoing Capital<br>Improvement Appropriations herein<br>made are for the following projects: |    |           |
| McKim Center—Exterior Restoration                                                                                |    |           |
| General Fund Appropriation .....                                                                                 | \$ | 21,000    |
| State Fund Appropriation .....                                                                                   | \$ | 26,000    |
| Outdoor Monument and Statuary Preservation                                                                       |    |           |
| General Fund Appropriation .....                                                                                 | \$ | 30,000    |
| State Fund Appropriation .....                                                                                   | \$ | 60,000    |
| Private Grant Appropriation .....                                                                                | \$ | 30,000    |

### JAIL BOARD

|                                     |    |         |
|-------------------------------------|----|---------|
| Construction Reserve                |    |         |
| General Fund Appropriation .....    | \$ | 310,000 |
| State Fund Appropriation .....      | \$ | 270,000 |
| Provided that the foregoing Capital |    |         |



Improvement Appropriations herein  
made are for the following projects:

**Gymnasium Renovation**

|                                  |    |        |
|----------------------------------|----|--------|
| General Fund Appropriation ..... | \$ | 19,000 |
| State Fund Appropriation .....   | \$ | 19,000 |

**Basement Insulation**

|                                  |    |        |
|----------------------------------|----|--------|
| General Fund Appropriation ..... | \$ | 92,000 |
| State Fund Appropriation .....   | \$ | 92,000 |

**Security Control Area Renovation**

|                                  |    |        |
|----------------------------------|----|--------|
| General Fund Appropriation ..... | \$ | 54,000 |
| State Fund Appropriation .....   | \$ | 54,000 |

**Perimeter Security Tower Construction**

|                                  |    |        |
|----------------------------------|----|--------|
| General Fund Appropriation ..... | \$ | 31,000 |
| State Fund Appropriation .....   | \$ | 31,000 |

**Public Reception and Screening Building  
Construction**

|                                  |    |        |
|----------------------------------|----|--------|
| General Fund Appropriation ..... | \$ | 74,000 |
| State Fund Appropriation .....   | \$ | 74,000 |

**Facilities Study**

|                                  |    |        |
|----------------------------------|----|--------|
| General Fund Appropriation ..... | \$ | 40,000 |
|----------------------------------|----|--------|

**LIBRARY, ENOCH PRATT FREE**

**Construction Reserve**

|                                                                  |    |        |
|------------------------------------------------------------------|----|--------|
| Loan Fund Appropriation .....                                    | \$ | 64,000 |
| Mayor and City Council Real Property<br>Fund Appropriation ..... | \$ | 22,000 |

Provided that the foregoing Capital  
Improvement Appropriations herein  
made are for the Computerized Inventory  
System.

**MAYORALTY—RELATED**

**Construction Reserve**

|                                                                                                                |    |         |
|----------------------------------------------------------------------------------------------------------------|----|---------|
| General Fund Appropriation .....                                                                               | \$ | 285,000 |
| Provided that the foregoing<br>Capital Improvement Appropriation<br>herein made is for the following projects: |    |         |

**Convention Center Safety and  
Convenience Improvements**

|                                  |    |        |
|----------------------------------|----|--------|
| General Fund Appropriation ..... | \$ | 60,000 |
|----------------------------------|----|--------|

|                                   |    |         |
|-----------------------------------|----|---------|
| Convention Center Portable Risers |    |         |
| General Fund Appropriation .....  | \$ | 70,000  |
| Hanover Bridge Marina             |    |         |
| General Fund Appropriation .....  | \$ | 155,000 |

## MUNICIPAL MUSEUM

|                                        |    |         |
|----------------------------------------|----|---------|
| Construction Reserve                   |    |         |
| Other Federal Fund Appropriation ..... | \$ | 100,000 |
| Private Grant Fund Appropriation ..... | \$ | 400,000 |
| Provided that the foregoing            |    |         |
| Capital Improvement Appropriations     |    |         |
| herein made are for the Municipal      |    |         |
| (Peale) Museum Renovation              |    |         |

## MUSEUM OF ART

|                                          |    |         |
|------------------------------------------|----|---------|
| Construction Reserve                     |    |         |
| General Fund Appropriation .....         | \$ | 150,000 |
| Provided that the foregoing              |    |         |
| General Fund Appropriation               |    |         |
| herein made is for the Renovation and    |    |         |
| Expansion of the Baltimore Museum of Art |    |         |

## OFF-STREET PARKING COMMISSION

|                                        |    |           |
|----------------------------------------|----|-----------|
| Construction Reserve                   |    |           |
| Loan Fund Appropriation .....          | \$ | 3,000,000 |
| Provided that the foregoing            |    |           |
| Loan Fund Appropriation herein made is |    |           |
| for the Retail Center Parking Garage.  |    |           |

## PUBLIC WORKS, DEPARTMENT OF

|                                               |    |         |
|-----------------------------------------------|----|---------|
| Construction Reserve—Alley and Footway Paving |    |         |
| General Fund Appropriation .....              | \$ | 240,000 |
| Motor Vehicle Fund Appropriation .....        | \$ | 650,000 |
| Builders and Property Owners Fund             |    |         |
| Appropriation .....                           | \$ | 800,000 |
| Provided that the foregoing                   |    |         |
| Capital Improvement Appropriations            |    |         |
| herein made are for the following projects:   |    |         |
| Footway Paving Construction Reserve           |    |         |
| General Fund Appropriation .....              | \$ | 40,000  |
| Builders and Property Owners Fund             |    |         |
| Appropriation .....                           | \$ | 200,000 |

|                                         |    |         |
|-----------------------------------------|----|---------|
| Alley Paving Construction Reserve       |    |         |
| Motor Vehicle Fund Appropriation ...    | \$ | 600,000 |
| Builders and Property Owners Fund       |    |         |
| Appropriation .....                     | \$ | 600,000 |
| Tree Roots/Footway Construction Reserve |    |         |
| General Fund Appropriation .....        | \$ | 200,000 |
| Motor Vehicle Fund Appropriation ...    | \$ | 50,000  |

|                                            |    |         |
|--------------------------------------------|----|---------|
| Construction Reserve—General Services      |    |         |
| General Fund Appropriation .....           | \$ | 725,000 |
| Provided that the foregoing                |    |         |
| Capital Improvement Appropriation          |    |         |
| herein made is for the following projects: |    |         |
| Baltimore Aquarium                         |    |         |
| General Fund Appropriation .....           | \$ | 150,000 |
| Civil Service Commission Renovation        |    |         |
| General Fund Appropriation .....           | \$ | 25,000  |
| Municipal Building—Elevator Modernization  |    |         |
| General Fund Appropriation .....           | \$ | 150,000 |
| Saratoga Street Municipal Building         |    |         |
| Improvements                               |    |         |
| General Fund Appropriation .....           | \$ | 100,000 |
| Police Headquarters Garage                 |    |         |
| General Fund Appropriation .....           | \$ | 300,000 |

|                                             |    |           |
|---------------------------------------------|----|-----------|
| Construction Reserve—Highways Construction  |    |           |
| Other Federal Fund Appropriation .....      | \$ | 3,519,000 |
| Motor Vehicle Fund Appropriation .....      | \$ | 4,370,000 |
| Provided that the foregoing                 |    |           |
| Capital Improvement Appropriations          |    |           |
| herein made are for the following projects: |    |           |
| Cold Spring Lane/Greenspring Avenue         |    |           |
| Intersection                                |    |           |
| Other Federal Fund Appropriation ...        | \$ | 37,000    |
| Motor Vehicle Fund Appropriation ...        | \$ | 13,000    |
| Orleans Street Viaduct Rehabilitation       |    |           |
| Other Federal Fund Appropriation ...        | \$ | 1,471,000 |
| Motor Vehicle Fund Appropriation ...        | \$ | 1,750,000 |
| City Hall Plaza Construction                |    |           |
| Other Federal Fund Deappropriation..        | \$ | (525,000) |
| Motor Vehicle Fund Deappropriation ..       | \$ | (175,000) |
| Locust Point Loop Road (Key Highway-        |    |           |
| Hull Street)                                |    |           |
| Other Federal Fund Appropriation ...        | \$ | 105,000   |



|                                                                  |         |
|------------------------------------------------------------------|---------|
| Howard Street Reconstruction<br>(Read Street-Mount Royal Avenue) |         |
| Other Federal Fund Appropriation ... \$                          | 638,000 |
| Motor Vehicle Fund Appropriation ... \$                          | 212,000 |
| Annapolis Road Reconstruction<br>(Waterview Avenue-Clare Street) |         |
| Other Federal Fund Appropriation ... \$                          | 450,000 |
| Motor Vehicle Fund Appropriation ... \$                          | 150,000 |
| Wabash/Belle/Dorithan Intersection                               |         |
| Other Federal Fund Appropriation ... \$                          | 393,000 |
| Motor Vehicle Fund Appropriation ... \$                          | 117,000 |
| Glen Avenue (Reisterstown Road to<br>Highgate Drive)             |         |
| Motor Vehicle Fund Appropriation ... \$                          | 552,000 |
| Windsor Mill Road (Crimea Road to<br>Wetheredsville Road)        |         |
| Motor Vehicle Fund Appropriation ... \$                          | 280,000 |
| Sefton Avenue (White Avenue to<br>Glenmore Avenue)               |         |
| Motor Vehicle Fund Appropriation ... \$                          | 270,000 |
| Mapping Program                                                  |         |
| Motor Vehicle Fund Appropriation ... \$                          | 50,000  |
| Harford Road (Hillen Road to 25th Street)                        |         |
| Motor Vehicle Fund Appropriation ... \$                          | 190,000 |
| Shakespeare/Lancaster/Bethel Streets                             |         |
| Motor Vehicle Fund Appropriation ... \$                          | 11,000  |
| Howard Street Reconstruction and<br>Transit Mall                 |         |
| Other Federal Fund Appropriation ... \$                          | 800,000 |
| Motor Vehicle Fund Appropriation ... \$                          | 385,000 |
| Barre Street (Sharp Street to<br>Hanover Street) Reconstruction  |         |
| Motor Vehicle Fund Appropriation ... \$                          | 140,000 |
| Sharp Street (Barre Street to<br>Conway Street) Reconstruction   |         |
| Motor Vehicle Fund Appropriation ... \$                          | 153,000 |
| St. Johns Avenue (East of Harford Road<br>to Parking Lot)        |         |
| Motor Vehicle Fund Appropriation ... \$                          | 22,000  |
| Light Street (Henrietta Avenue to<br>West Street) Reconstruction |         |
| Other Federal Fund Appropriation ... \$                          | 150,000 |
| Motor Vehicle Fund Appropriation ... \$                          | 50,000  |

South Charles Street (Henrietta Avenue to  
West Street) Reconstruction

Motor Vehicle Fund Appropriation ... \$ 200,000

Construction Reserve—Highways Major  
Reconstruction

Other Federal Fund Appropriation .... \$ 3,446,000

Mayor and City Council Real Property Fund

Appropriation ..... \$ 230,000

State Fund Appropriation ..... \$ 300,000

Motor Vehicle Fund Appropriation ..... \$ 4,629,000

Provided that the foregoing

Capital Improvement Appropriations

herein made are for the following projects:

Bloomington Road/Clifton Avenue Widening

Motor Vehicle Fund Appropriation ... \$ 100,000

Hilton Street (North Avenue to

Clifton Avenue) Widening

Motor Vehicle Fund Appropriation ... \$ 100,000

Grindon Avenue (Cold Spring Lane to

Strathmore Avenue)

Motor Vehicle Fund Appropriation ... \$ 341,000

Hanover Street Bridge (Over Middle Branch)

Motor Vehicle Fund Appropriation ... \$ 200,000

Garrison Avenue (Pimlico Road to

Laurel Avenue)

Motor Vehicle Fund Appropriation ... \$ 10,000

Milton Avenue (Baltimore Street to

Orleans Street)

Other Federal Fund Appropriation ... \$ 180,000

Motor Vehicle Fund Appropriation ... \$ 60,000

Richwood Avenue (York Road to

Alhambra Avenue)

Motor Vehicle Fund Appropriation ... \$ 181,000

Arsan Avenue (4th Street to 5th Street)

Motor Vehicle Fund Appropriation ... \$ 134,000

Wyndhurst Avenue (Roland Avenue to

Wilmslow Road)

Other Federal Fund Appropriation ... \$ 271,000

Motor Vehicle Fund Appropriation ... \$ 90,000

Glenwood Avenue (Midwood Avenue to

The Alameda)

Motor Vehicle Fund Appropriation ... \$ 225,000

|                                                         |    |         |
|---------------------------------------------------------|----|---------|
| Cold Spring Lane (Park Heights Avenue to Wabash Avenue) |    |         |
| Motor Vehicle Fund Appropriation ...                    | \$ | 700,000 |
| Patterson Avenue/Reisterstown Road Intersection         |    |         |
| Motor Vehicle Fund Appropriation ...                    | \$ | 185,000 |
| North Avenue (Madison Avenue to Monroe Street)          |    |         |
| Other Federal Fund Appropriation ...                    | \$ | 380,000 |
| Motor Vehicle Fund Appropriation ...                    | \$ | 125,000 |
| Daytona Avenue (Cold Spring Lane to Ridgewood Avenue)   |    |         |
| Motor Vehicle Fund Appropriation ...                    | \$ | 73,000  |
| North Avenue (St. Paul Street to Aisquith Street)       |    |         |
| Other Federal Fund Appropriation ...                    | \$ | 350,000 |
| Motor Vehicle Fund Appropriation ...                    | \$ | 150,000 |
| Street Resurfacing/Preventive Maintenance Program       |    |         |
| Motor Vehicle Fund Appropriation ...                    | \$ | 553,000 |
| North Avenue (Howard Street to St. Paul Street)         |    |         |
| Other Federal Fund Appropriation ...                    | \$ | 45,000  |
| Motor Vehicle Fund Appropriation ...                    | \$ | 15,000  |
| Forest Park Avenue at Windsor Mill Road                 |    |         |
| Motor Vehicle Fund Appropriation ...                    | \$ | 25,000  |
| Belvedere Avenue at Reisterstown Road Median            |    |         |
| Other Federal Fund Appropriation ...                    | \$ | 135,000 |
| Motor Vehicle Fund Appropriation ...                    | \$ | 15,000  |
| Park Heights Avenue at Northern Parkway                 |    |         |
| Motor Vehicle Fund Appropriation ...                    | \$ | 18,000  |
| Cold Spring Lane at York Road                           |    |         |
| Other Federal Fund Appropriation ...                    | \$ | 90,000  |
| Motor Vehicle Fund Appropriation ...                    | \$ | 10,000  |
| Wolfe Street (Madison Avenue to Preston Street)         |    |         |
| Other Federal Fund Appropriation ...                    | \$ | 150,000 |
| Motor Vehicle Fund Appropriation ...                    | \$ | 50,000  |
| Washington Street (Madison Avenue to Preston Street)    |    |         |
| Other Federal Fund Appropriation ...                    | \$ | 150,000 |
| Motor Vehicle Fund Appropriation ...                    | \$ | 50,000  |



|                                                                           |    |         |
|---------------------------------------------------------------------------|----|---------|
| Patterson Avenue to Transit Station<br>(Access Improvements)              |    |         |
| State Fund Appropriation .....                                            | \$ | 300,000 |
| Motor Vehicle Fund Appropriation ...                                      | \$ | 200,000 |
| Roland Avenue (Cold Spring Lane to<br>Northern Parkway)                   |    |         |
| Other Federal Fund Appropriation ...                                      | \$ | 375,000 |
| Motor Vehicle Fund Appropriation ...                                      | \$ | 125,000 |
| Waterview Avenue (Potee Street-<br>Baltimore and Ohio Railroad)           |    |         |
| Other Federal Fund Appropriation ...                                      | \$ | 411,000 |
| Motor Vehicle Fund Appropriation ...                                      | \$ | 139,000 |
| Charles Center Metro Station Street<br>Improvements                       |    |         |
| Motor Vehicle Fund Appropriation ...                                      | \$ | 350,000 |
| Federal Aid for Primary Roads—Unallocated                                 |    |         |
| Other Federal Fund Appropriation ...                                      | \$ | 49,000  |
| Federal Aid for Urban System Roads                                        |    |         |
| Other Federal Fund Appropriation ...                                      | \$ | 860,000 |
| Motor Vehicle Fund Appropriation ...                                      | \$ | 285,000 |
| Waterview Avenue Connector<br>(Hanover Street to Potee Street)            |    |         |
| Motor Vehicle Fund Appropriation ...                                      | \$ | 20,000  |
| Yard Repair Real Property Account<br>Mayor and City Council Real Property |    |         |
| Fund Appropriation .....                                                  | \$ | 230,000 |
| City Hall Plaza Landscaping                                               |    |         |
| Motor Vehicle Fund Appropriation ...                                      | \$ | 100,000 |

#### Construction Reserve—Interstate Construction

|                                                                                                                                                                     |                |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|
| Other Federal Fund Appropriation .....                                                                                                                              | \$346,117,000  |
| Revenue Bond Fund Deappropriation ...                                                                                                                               | \$(74,549,000) |
| Provided that the foregoing Capital<br>Improvement Appropriation and<br>Deappropriation herein made are<br>for the Interstate 95 Fort McHenry<br>Tunnel/Approaches. |                |

#### Construction Reserve—Solid Waste

|                                                                                                                                 |              |
|---------------------------------------------------------------------------------------------------------------------------------|--------------|
| Loan Fund Appropriation .....                                                                                                   | \$ 1,500,000 |
| Provided that the foregoing Capital<br>Improvement Appropriation herein<br>made is for the Solid Waste Landfill<br>Development. |              |

## Construction Reserve—Storm Water

|                               |              |
|-------------------------------|--------------|
| Loan Fund Appropriation ..... | \$ 2,000,000 |
|-------------------------------|--------------|

|                                  |            |
|----------------------------------|------------|
| General Fund Appropriation ..... | \$ 235,000 |
|----------------------------------|------------|

Provided that the foregoing  
Capital Improvement Appropriations  
herein made are for the following projects:

## Flood Zone Property Acquisition

|                               |            |
|-------------------------------|------------|
| Loan Fund Appropriation ..... | \$ 500,000 |
|-------------------------------|------------|

## Preston Street Storm Drain

|                                  |            |
|----------------------------------|------------|
| General Fund Appropriation ..... | \$ 135,000 |
|----------------------------------|------------|

## Small Storm Drain Extensions

|                                  |            |
|----------------------------------|------------|
| General Fund Appropriation ..... | \$ 100,000 |
|----------------------------------|------------|

Erosion Control—Vicinity of  
Mount Pleasant

|                               |            |
|-------------------------------|------------|
| Loan Fund Appropriation ..... | \$ 400,000 |
|-------------------------------|------------|

Erosion Control—Vicinity of  
Union Avenue

|                               |            |
|-------------------------------|------------|
| Loan Fund Appropriation ..... | \$ 500,000 |
|-------------------------------|------------|

## Lakewood Avenue Storm Drain

|                               |            |
|-------------------------------|------------|
| Loan Fund Appropriation ..... | \$ 600,000 |
|-------------------------------|------------|

## Construction Reserve—Street Lighting

|                                        |            |
|----------------------------------------|------------|
| Motor Vehicle Fund Appropriation ..... | \$ 500,000 |
|----------------------------------------|------------|

Provided that the foregoing Capital  
Improvement Appropriation herein  
made is for the Conversion to  
Brighter Street Lights for the  
City of Baltimore.

## Construction Reserve—Waste Water

|                                 |                |
|---------------------------------|----------------|
| Loan Fund Deappropriation ..... | \$ (2,909,000) |
|---------------------------------|----------------|

|                                        |              |
|----------------------------------------|--------------|
| Other Federal Fund Appropriation ..... | \$ 8,431,000 |
|----------------------------------------|--------------|

|                                |              |
|--------------------------------|--------------|
| State Fund Appropriation ..... | \$ 1,399,000 |
|--------------------------------|--------------|

|                                       |            |
|---------------------------------------|------------|
| County Grant Fund Appropriation ..... | \$ 660,000 |
|---------------------------------------|------------|

|                                           |            |
|-------------------------------------------|------------|
| Waste Water Utility Fund Appropriation .. | \$ 650,000 |
|-------------------------------------------|------------|

|                                         |              |
|-----------------------------------------|--------------|
| Bond Anticipation Note Appropriation .. | \$ 1,142,000 |
|-----------------------------------------|--------------|

Provided that the foregoing Capital  
Improvement Appropriations and  
Deappropriation herein made are  
for the following projects:

## Construction Reserve

|                                 |                |
|---------------------------------|----------------|
| Loan Fund Deappropriation ..... | \$ (2,909,000) |
|---------------------------------|----------------|

|                                          |              |
|------------------------------------------|--------------|
| Pretreatment Program                     |              |
| Other Federal Fund Appropriation ...     | \$ 379,000   |
| State Fund Appropriation .....           | \$ 63,000    |
| County Grant Fund Appropriation ....     | \$ 25,000    |
| Bond Anticipation Note Appropriation.    | \$ 38,000    |
| Back River Outfall Sewer Construction    |              |
| County Grant Fund Appropriation ...      | \$ 44,000    |
| Back River Safety Improvements           |              |
| Other Federal Fund Appropriation ...     | \$ 1,761,000 |
| State Fund Appropriation .....           | \$ 294,000   |
| County Grant Fund Appropriation ...      | \$ 104,000   |
| Bond Anticipation Note Appropriation     | \$ 244,000   |
| Back River Grit Chamber Renovations      |              |
| Other Federal Fund Appropriation ...     | \$ 979,000   |
| State Fund Appropriation .....           | \$ 164,000   |
| County Grant Fund Appropriation ...      | \$ 54,000    |
| Bond Anticipation Note Appropriation     | \$ 100,000   |
| Mapping Program                          |              |
| Waste Water Utility Fund                 |              |
| Appropriation .....                      | \$ 50,000    |
| Back River Dewatering Pumping Station    |              |
| Other Federal Fund Appropriation ...     | \$ 322,000   |
| State Fund Appropriation .....           | \$ 54,000    |
| County Grant Fund Appropriation ...      | \$ 16,000    |
| Bond Anticipation Note Appropriation     | \$ 43,000    |
| Back River Renovation Project No. 1      |              |
| Other Federal Fund Appropriation ...     | \$ 781,000   |
| State Fund Appropriation .....           | \$ 129,000   |
| County Grant Fund Appropriation ...      | \$ 44,000    |
| Bond Anticipation Note Appropriation     | \$ 248,000   |
| Back River Utility Improvements          |              |
| Other Federal Fund Appropriation ...     | \$ 2,214,000 |
| State Fund Appropriation .....           | \$ 369,000   |
| County Grant Fund Appropriation ...      | \$ 208,000   |
| Bond Anticipation Note Appropriation     | \$ 208,000   |
| Back River Renovation Project No. 2      |              |
| Other Federal Fund Appropriation ...     | \$ 1,995,000 |
| State Fund Appropriation .....           | \$ 326,000   |
| County Grant Fund Appropriation ...      | \$ 165,000   |
| Bond Anticipation Note Appropriation     | \$ 200,000   |
| Small Sewers Extensions and Improvements |              |
| Waste Water Utility Fund                 |              |
| Appropriation .....                      | \$ 100,000   |



|                                        |    |         |
|----------------------------------------|----|---------|
| Back River Fine Screens                |    |         |
| Bond Anticipation Note Appropriation   | \$ | 29,000  |
| Curtis Bay/Hawkins Point Sewers        |    |         |
| Extensions                             |    |         |
| Bond Anticipation Note Appropriation   | \$ | 32,000  |
| Infiltration/Inflow Correction Program |    |         |
| Waste Water Utility Fund               |    |         |
| Appropriation .....                    | \$ | 500,000 |

#### Construction Reserve—Water

|                                                                                                            |    |           |
|------------------------------------------------------------------------------------------------------------|----|-----------|
| County Grant Fund Appropriation .....                                                                      | \$ | 333,000   |
| Water Utility Fund Appropriation .....                                                                     | \$ | 1,425,000 |
| Bond Anticipation Note Appropriation ..                                                                    | \$ | 917,000   |
| Provided that the foregoing Capital Improvement Appropriations herein made are for the following projects: |    |           |
| Water Main Cleaning Program                                                                                |    |           |
| Water Utility Fund Appropriation ...                                                                       | \$ | 250,000   |
| Water Supply System Improvements                                                                           |    |           |
| Water Utility Fund Appropriation ...                                                                       | \$ | 250,000   |
| Wash Water Recycling and Sludge Handling                                                                   |    |           |
| County Grant Fund Appropriation ...                                                                        | \$ | 108,000   |
| Bond Anticipation Note Appropriation                                                                       | \$ | 192,000   |
| Ashburton Raw Water Bypass                                                                                 |    |           |
| County Grant Fund Appropriation ...                                                                        | \$ | 90,000    |
| Bond Anticipation Note Appropriation                                                                       | \$ | 150,000   |
| Curtis Creek Water Main Replacement                                                                        |    |           |
| Bond Anticipation Note Appropriation                                                                       | \$ | 75,000    |
| Filter Media Replacement                                                                                   |    |           |
| County Grant Fund Appropriation ...                                                                        | \$ | 114,000   |
| Bond Anticipation Note Appropriation                                                                       | \$ | 211,000   |
| Pretty Boy Dam Valves and Controls                                                                         |    |           |
| County Grant Fund Appropriation ...                                                                        | \$ | 21,000    |
| Bond Anticipation Note Appropriation                                                                       | \$ | 39,000    |
| Watershed Road Improvements                                                                                |    |           |
| Bond Anticipation Note Appropriation                                                                       | \$ | 250,000   |
| Mapping Program                                                                                            |    |           |
| Water Utility Fund Appropriation ...                                                                       | \$ | 50,000    |
| Small Water Main Installation Program                                                                      |    |           |
| Water Utility Fund Appropriation ...                                                                       | \$ | 400,000   |
| New Downtown Fire Hydrants Installation                                                                    |    |           |
| Water Utility Fund Appropriation ...                                                                       | \$ | 475,000   |

## RECREATION AND PARKS, DEPARTMENT OF

## Construction Reserve—Parks

|                                               |               |
|-----------------------------------------------|---------------|
| General Fund Appropriation . . . . .          | \$ 400,000    |
| Other Federal Fund Appropriation . . . . .    | \$ 1,091,000  |
| State Fund Appropriation . . . . .            | \$ 24,115,000 |
| Private Grant Fund Appropriation . . . . .    | \$ 700,000    |
| State Open Space Fund Appropriation . . . . . | \$ 750,000    |

Provided that the foregoing Capital  
Improvement Appropriations herein  
made are for the following projects:

## Monument Street Landfill—Park Development

|                                        |         |
|----------------------------------------|---------|
| State Open Space Fund Appropriation \$ | 150,000 |
|----------------------------------------|---------|

## Hopkins Plaza Improvements

|                                      |            |
|--------------------------------------|------------|
| General Fund Appropriation . . . . . | \$ 100,000 |
|--------------------------------------|------------|

## Zoo Improvements

|                                    |            |
|------------------------------------|------------|
| State Fund Appropriation . . . . . | \$ 700,000 |
|------------------------------------|------------|

|                                            |            |
|--------------------------------------------|------------|
| Private Grant Fund Appropriation . . . . . | \$ 700,000 |
|--------------------------------------------|------------|

## Memorial Stadium Improvement Phase IV

|                                    |              |
|------------------------------------|--------------|
| State Fund Appropriation . . . . . | \$ 1,000,000 |
|------------------------------------|--------------|

## Stadium Improvements

|                                      |            |
|--------------------------------------|------------|
| General Fund Appropriation . . . . . | \$ 300,000 |
|--------------------------------------|------------|

## Christopher Playground Development

|                                        |         |
|----------------------------------------|---------|
| State Open Space Fund Appropriation \$ | 150,000 |
|----------------------------------------|---------|

## Southern High School Playfield Development

|                                        |         |
|----------------------------------------|---------|
| State Open Space Fund Appropriation \$ | 300,000 |
|----------------------------------------|---------|

## Urban Park and Recreation Recovery Program

|                                            |            |
|--------------------------------------------|------------|
| Other Federal Fund Appropriation . . . . . | \$ 850,000 |
|--------------------------------------------|------------|

|                                        |         |
|----------------------------------------|---------|
| State Open Space Fund Appropriation \$ | 150,000 |
|----------------------------------------|---------|

## Middle Branch/Waterview Avenue

## Park Development

|                                    |            |
|------------------------------------|------------|
| State Fund Appropriation . . . . . | \$ 315,000 |
|------------------------------------|------------|

## Canton/Harborside Access Park Construction

|                                            |           |
|--------------------------------------------|-----------|
| Other Federal Fund Appropriation . . . . . | \$ 56,000 |
|--------------------------------------------|-----------|

|                                    |           |
|------------------------------------|-----------|
| State Fund Appropriation . . . . . | \$ 25,000 |
|------------------------------------|-----------|

## Hull Street Park Construction

|                                            |           |
|--------------------------------------------|-----------|
| Other Federal Fund Appropriation . . . . . | \$ 60,000 |
|--------------------------------------------|-----------|

|                                    |           |
|------------------------------------|-----------|
| State Fund Appropriation . . . . . | \$ 25,000 |
|------------------------------------|-----------|

## Reedbird Park Improvements

|                                            |            |
|--------------------------------------------|------------|
| Other Federal Fund Appropriation . . . . . | \$ 125,000 |
|--------------------------------------------|------------|

## Hanover Bridge Boat Launch

|                                    |           |
|------------------------------------|-----------|
| State Fund Appropriation . . . . . | \$ 25,000 |
|------------------------------------|-----------|

## Fort Armistead Park Boat Launch

|                                |    |        |
|--------------------------------|----|--------|
| State Fund Appropriation ..... | \$ | 25,000 |
|--------------------------------|----|--------|

## Memorial Stadium Expansion and Rehabilitation

|                                |    |            |
|--------------------------------|----|------------|
| State Fund Appropriation ..... | \$ | 22,000,000 |
|--------------------------------|----|------------|

## Construction Reserve—Recreation

|                                        |    |        |
|----------------------------------------|----|--------|
| State Open Space Fund Appropriation .. | \$ | 50,000 |
|----------------------------------------|----|--------|

Provided that the foregoing Capital Improvement Appropriation herein made is for the Playground Lighting and Resurfacing Program.

## TRANSIT AND TRAFFIC, DEPARTMENT OF

## Construction Reserve

|                                  |    |         |
|----------------------------------|----|---------|
| General Fund Appropriation ..... | \$ | 200,000 |
|----------------------------------|----|---------|

|                                       |    |         |
|---------------------------------------|----|---------|
| Other Federal Fund Appropriation .... | \$ | 430,000 |
|---------------------------------------|----|---------|

|                                       |    |        |
|---------------------------------------|----|--------|
| Private Grant Fund Appropriation .... | \$ | 91,000 |
|---------------------------------------|----|--------|

|                                        |    |           |
|----------------------------------------|----|-----------|
| Motor Vehicle Fund Deappropriation ... | \$ | (149,000) |
|----------------------------------------|----|-----------|

Provided that the foregoing Capital Improvement Appropriations and Deappropriation herein made are for the following projects:

## Replacement of Traffic Controllers

|                                      |    |         |
|--------------------------------------|----|---------|
| Other Federal Fund Appropriation ... | \$ | 350,000 |
|--------------------------------------|----|---------|

## Ponca Shop Improvements

|                                     |    |        |
|-------------------------------------|----|--------|
| Motor Vehicle Fund Appropriation .. | \$ | 98,000 |
|-------------------------------------|----|--------|

## Lane Reversal—33rd Street

|                                      |    |           |
|--------------------------------------|----|-----------|
| Motor Vehicle Fund Deappropriation.. | \$ | (247,000) |
|--------------------------------------|----|-----------|

## Informational Signing Program

|                                  |    |        |
|----------------------------------|----|--------|
| General Fund Appropriation ..... | \$ | 50,000 |
|----------------------------------|----|--------|

|                                      |    |        |
|--------------------------------------|----|--------|
| Private Grant Fund Appropriation ... | \$ | 91,000 |
|--------------------------------------|----|--------|

## Hanover Street Lane Reversal System

|                                      |    |        |
|--------------------------------------|----|--------|
| Other Federal Fund Appropriation ... | \$ | 80,000 |
|--------------------------------------|----|--------|

## Parking Control Headquarters Building

|                                  |    |         |
|----------------------------------|----|---------|
| General Fund Appropriation ..... | \$ | 150,000 |
|----------------------------------|----|---------|

SEC. 2. *And be it further ordained*, That the amounts set forth in Section 1 above designated deappropriations and enclosed in parentheses shall revert to the surpluses of the respective funds and be available for appropriation by this or subsequent ordinances.



SEC. 3. *And be it further ordained*, That the amounts set forth in Section 1 above include appropriations for the Baltimore City Sick and Disability Payments fund, which fund is separate and apart from any other salary and wage amount included in Section 1 above, in order to pay for employee sickness and disability as provided in the Administrative Manual of the Board of Estimates. Section "Personnel", Subject "Sick Leave" of said Administrative Manual is Baltimore City's Sick Leave Authorization and Authority to pay employees solely on account of sickness rather than as salary continuations. It has always been the policy of the Mayor and City Council of Baltimore that payments to employees solely on account of illness or disability of such employees are not wage continuation payments. Appropriations included in the amounts set forth in Section 1 above total Twelve Million Five Hundred Thousand Dollars (\$12,500,000). Any part of this amount remaining unused at the end of the fiscal year shall revert to the surplus of the respective funds and shall be available for appropriation by subsequent ordinances.

SEC. 4. *And be it further ordained*, That no part of the amounts appropriated in this Ordinance of Estimates shall be made available to pay for costs of any capital project not specifically approved through this Ordinance of Estimates or without the prior consent of the City Council; and provided further that no part of the amounts appropriated in this Ordinance of Estimates shall be made available to any agency without the prior approval of the City Council to pay for occupancy, by lease or otherwise, of any facility whose costs exceed the amount provided in the detail supporting this Ordinance of Estimates.

SEC. 5. The foregoing appropriations and deappropriations in summary consist of:

| <i>Fund</i>         | <i>Operating</i>       | <i>Capital</i>       | <i>Total</i>           |
|---------------------|------------------------|----------------------|------------------------|
| General .....       | \$ 662,298,012         | \$ 4,260,000         | \$ 666,558,012         |
|                     | \$ 661,898,012         |                      | \$ 666,158,012         |
| Federal Revenue     |                        |                      |                        |
| Sharing .....       | 24,471,000             | —                    | 24,471,000             |
| Other Federal ..... | 150,615,697            | 399,270,000          | 549,885,697            |
| State .....         | 248,359,589            | 49,909,000           | 298,268,589            |
| Motor Vehicle ..... | 69,148,261             | 10,000,000           | 79,148,261             |
| Water/Waste Water   |                        |                      |                        |
| Utilities .....     | 60,570,655             | 2,075,000            | 62,645,655             |
| Other Special ..... | 23,763,963             | (64,479,000)*        | (40,715,037)           |
| City Bond .....     | —                      | 35,000,000           | 35,000,000             |
|                     | <u>\$1,239,227,177</u> | <u>\$436,035,000</u> | <u>\$1,675,262,177</u> |
|                     | <u>\$1,238,827,177</u> |                      | <u>\$1,674,862,177</u> |

\*Consisting of:

|                      |                 |
|----------------------|-----------------|
| County Grants .....  | \$ 993,000      |
| Private Grants ..... | \$ 1,266,000    |
| Revenue Bonds .....  | \$ (74,549,000) |
| M&CC Real Property   |                 |
| Account .....        | \$ 2,952,000    |
| Bond Anticipation    |                 |
| Notes .....          | \$ 2,059,000    |
| State School Const.  |                 |
| Loans .....          | \$ 2,000,000    |
| Builders & Property  |                 |
| Owners .....         | \$ 800,000      |

Approved by the Board of Estimates June 1, 1981.

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*President*

WILLIAM DONALD SCHAEFER,

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*Mayor*

HYMAN AARON PRESSMAN,

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*Comptroller*

FRANCIS W. KUCHTA,

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*Director of Public Works*

BENJAMIN L. BROWN,

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*City Solicitor*

BOARD OF ESTIMATES

Approved June 30, 1981.

WILLIAM DONALD SCHAEFER, *Mayor*.

No. 375

(Council No. 693)

AN ORDINANCE concerning

## TO LEVY AND COLLECT A TAX

FOR the use of the Mayor and City Council of Baltimore for the period July 1, 1981 through June 30, 1982.

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That for the period July 1, 1981 through June 30, 1982, a tax of ~~Five Dollars and Ninety-nine Cents (\$5.99)~~ FIVE DOLLARS AND NINETY-SEVEN CENTS (\$5.97) be and the same is hereby levied and imposed on every One Hundred Dollars (\$100.00) of assessed or assessable value of property in the City of Baltimore (excepting such property as may by provision of law be exempted from this rate) for the use of the Mayor and City Council of Baltimore, and said tax shall be collected and paid in the manner prescribed by law.

SEC. 2. *And be it further ordained*, That this ordinance shall take effect from the date of its passage.

Approved June 30, 1981.

WILLIAM DONALD SCHAEFER, *Mayor*.

No. 376

(Council No. 694)

AN ORDINANCE concerning

ISSUANCE OF INDUSTRIAL DEVELOPMENT  
REVENUE BONDS—THE ARMISTEAD  
PARTNERSHIP

FOR the purpose of amending Ordinance No. 123 signed into law on July 11, 1980 for the purpose of amending the method of determining the rate or rates of interest



that the Baltimore City, Maryland Industrial Development Revenue Bonds (The Armistead Partnership Project), 1979 Series, (the "Bonds") are to bear, in accordance with Ordinance No. 1163 of the Mayor and City Council of Baltimore approved on August 13, 1979; and providing that Ordinance 123 is ratified and confirmed and shall continue in full force and effect except as provided herein.

### RECITALS

By Ordinance No. 1163, approved August 13, 1979 the Mayor and City Council of Baltimore (the "City") was authorized and empowered to issue, sell and deliver pursuant to Sections 266A-266-I of Article 41 of the Annotated Code of Maryland (1978 Replacement Volume and 1980 Cumulative Supplement), as amended (the "Act") its industrial development revenue bonds, designated "Baltimore City, Maryland Industrial Development Revenue Bonds (The Armistead Partnership Project), 1979 Series (the "Bonds"). Ordinance No. 1163 provided for the passage of a further Ordinance by the City Council of the City prescribing the rate or rates of interest the Bonds are to bear or the method of determining such rate or rates. Ordinance No. 123 approved on July 11, 1980 provided that the rate or rates of interest which the Bonds would bear shall be determined and prescribed by the Board of Finance; provided, however, that in no event would such rate or rates exceed 12% per annum during any period when the interest on the Bonds was not includable in gross income for federal income tax purposes. The Partnership and the City desire to amend Ordinance No. 123 to provide that such rate or rates shall not exceed 13% per annum.

NOW THEREFORE, IN ACCORDANCE WITH THE ACT:

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That Section 1 of Ordinance No. 123 is hereby amended to read as follows:

"SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That the rate or rates of interest which the

Bonds are to bear shall be determined and prescribed by the Board of Finance in the Resolution referred to in the First Ordinance; provided, however, that in no event shall such rate or rates exceed ~~12%~~ 13% per annum; provided further, however, that during any period in which the interest payable on the Bonds is for any reason includable in the gross income (as defined in Section 61 of the Internal Revenue Code of 1954, as amended) of the holder of any of the Bonds, then the rate or rates of interest payable on the Bonds shall increase to such rate or rates as shall be determined and prescribed by the Board of Finance in the Resolution, which rate or rates shall in no event exceed 20% per annum."

SEC. 2. *And be it further ordained*, That in the event that any provision, sentence, clause, section or part hereof shall conflict or be inconsistent with any provision, sentence, clause, section or part of Ordinance 123, the provisions of this Ordinance shall be controlling. Except as otherwise provided herein, the provisions of Ordinance 123 are hereby ratified and confirmed and shall continue in full force and effect.

SEC. 3. *And be it further ordained*, That this Ordinance shall take effect from the date of its passage.

Approved June 30, 1981.

WILLIAM DONALD SCHAEFER, *Mayor*.

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No. 377

(Council No. 696)

AN ORDINANCE concerning

ISSUANCE OF INDUSTRIAL DEVELOPMENT  
REVENUE BONDS—HERGET PROJECT

FOR the purpose of authorizing and providing for the issuance from time to time, by the Mayor and City Council of Baltimore, Maryland, of its revenue bonds, designated

"Industrial Development Revenue Bonds (Herget Project)" in an aggregate principal amount not exceeding \$3,000,000 pursuant to the provisions of either Sections 266A through 266-I, inclusive, of Article 41 of the Annotated Code of Maryland (1978 Replacement Volume and 1980 Cumulative Supplement, as amended) or Subsection (50) of Article II of the Charter of Baltimore City (1964 Edition, as revised) in order to loan the proceeds to Charles E. Herget, Jr., or such corporation or limited partnership as is a "related persons" to him, for the sole and exclusive purpose of financing the acquisition, construction and improvement of a certain industrial building in the City of Baltimore as provided in this Ordinance; making certain legislative findings, among others, concerning the public benefit and purpose of the revenue bonds; providing that such revenue bonds (a) shall be payable solely and only from revenue derived from payments to the City on account of such loan and (b) shall not ever constitute within the meaning of any constitutional or charter provision or otherwise (i) an indebtedness of the Mayor and City Council of Baltimore or any other political subdivision or (ii) a charge against the general credit or taxing powers of such City; providing that this Ordinance shall constitute an expression of the present intent of such City to issue the revenue bonds so authorized; authorizing the private (negotiated) sale of such revenue bonds; providing that certain matters pertaining to such revenue bonds, including (without limitation) amounts and dates of any series of such revenue bonds and maturity or maturities, shall be determined administratively at or prior to the time of such private sale of any series of such revenue bonds by resolution of the City Council of Baltimore or of the Board of Finance of the City (as appropriate), in either case, approved by the Mayor or Acting Mayor of Baltimore; authorizing the issuance of notes in anticipation of the issuance of such revenue bonds pursuant to the provisions of Section 12 of Article 31 of the Annotated Code of Maryland (1976 Replacement Volume and 1980 Cumulative Supplement, as amended) and providing that references to "bonds" in this Ordinance shall include such bond anticipation notes; delegating various matters to the Board of Finance of the City, including (without



limitation) the sale of any series of such revenue bonds, the establishment of the interest rate or rates, sinking fund requirements, and redemption provisions at the time of such private sale and, if deemed appropriate, the appointment of a trustee or escrow agent to act under the Ordinance for all moneys received by the City hereunder; providing that such City Council may determine administratively by resolution or by other appropriate action all other matters pertaining to the issuance, sale and delivery of any series of such revenue bonds, including (without limitation) the provisions of trust between the City and the trustee, the execution of a loan agreement, the creation of a loan or construction fund to be held by the trustee and provision for its disbursement, provision for the investment of moneys held by the trustee, provision of remedies for bondholders in the event of default, and provision for the enactment of supplemental ordinances and resolutions; and generally providing for and determining various matters in connection with the authorization, issuance, security, sale and payment of such revenue bonds.

### RECITALS

Sections 266A through 266-I, inclusive, of Article 41 of the Annotated Code of Maryland (1978 Replacement Volume and 1980 Cumulative Supplement, as amended), as re-enacted, with amendments, by Chapter 352 of the Laws of Maryland of 1972, as amended (collectively, the "Act") constitute those provisions of Maryland law authorizing the issuance of industrial development revenue bonds by all the counties and municipalities of the State of Maryland (the "State").

The Act now empowers the counties and municipalities of the State (including the Mayor and City Council of Baltimore) to issue revenue bonds and to loan the proceeds of the sale of such revenue bonds to an industrial concern to finance the acquisition by such industrial concern of industrial buildings. The Act declares it to be the legislative purpose to relieve conditions of unemployment in the State, to encourage the increase of industry and a balanced economy in the State, to assist in the retention of existing industry in the State, to pro-

mote economic development, and in this manner to promote the health, welfare, and safety of the residents of each of the counties and municipalities of the State.

Subsection (50)—Revenue Bonds and Obligations—of Article II of the Charter of Baltimore City (1964 Revision, as amended) (“Subsection 50”) authorizes the Mayor and City Council of Baltimore (the “City”) to borrow money through the issuance and sale of its revenue bonds for the accomplishment of any of the purposes, objects and powers of the City. The Act and Subsection 50 are referred to herein as the “Enabling Legislation.”

The City has determined to issue and sell not exceeding \$3,000,000 aggregate principal amount of its revenue bonds (the “Bonds”) and to loan the proceeds of such Bonds to Charles E. Herget, Jr., or such corporations or limited partnerships as are “related persons” of him (the “Borrower”), an industrial concern as mentioned in the Enabling Legislation, on the terms and conditions to be set forth in a loan agreement executed pursuant to this Ordinance (the “Loan Agreement”) in order to finance Facilities in the City as described below (the “Facilities”).

The Facilities to be acquired, constructed, improved and installed in the City of Baltimore will be located (by way of general description and not limitation) adjacent to the existing building located at 204 East Lombard Street and will consist of a multi-story office building with parking facilities. The Facilities also include (i) necessary or desirable equipment, tenant improvements, fixtures and machinery, (ii) the land site and interests in land necessary or desirable for the Facilities, together with roads, or other rights of access, utilities and other necessary or desirable facilities and (iii) all improvements, modifications and additions to all or any portion of the Facilities whether such Facilities are now in existence or are hereafter acquired, constructed or come into existence. The Facilities may be completed in several stages, all or any of which may be financed through the issuance of Bonds at one time or from time to time as authorized herein.

This ordinance authorizes a transaction which the Borrower proposed to the City by a letter of intent in accordance with Section 266B(d) of the Enabling Legislation.

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That, acting pursuant to the Enabling Legislation, it is hereby found and determined, as follows:

(1) The issuance of revenue bonds by the City pursuant to the Enabling Legislation in order to loan the proceeds to the Borrower for the sole and exclusive purpose of acquiring, constructing and improving the Facilities within the meaning of the Enabling Legislation will facilitate and expedite the acquisition of the Facilities by the Borrower;

(2) The accomplishment of the transactions contemplated and authorized by this ordinance, including (without limitation) the acquisition, construction and improvement of the Facilities by the Borrower and the financing thereof will (i) sustain jobs and employment, thereby relieving conditions of unemployment in the State and in the City; (ii) encourage the increase of industry and a balanced economy in the State and in the City; (iii) assist in the retention of existing industry in the State and in the City; (iv) promote economic development; and (v) promote the health, welfare and safety of the residents of the City and of the State.

(3) In addition to authorizing the City itself to acquire and either to lease or to sell such facilities to an industrial concern, the Enabling Legislation, as an alternative procedure, authorizes industrial building financing to be accomplished in the form of a loan to the Borrower. The loan form of transaction avoids indirect costs and burdens on the City by not requiring any direct involvement by the City in the construction, ownership or administration of such facilities; however, it permits controls to be imposed on the use of the proceeds of the Bonds to insure that the public purposes of the Enabling Legislation and the Bonds are fully accomplished. It is, therefore, in the best interests of the citizens of the City to finance the Facilities by a loan to the Borrower. This ordinance con-



templates and authorizes a transaction in the form of a loan of the proceeds of the Bonds by the City to the Borrower, rather than a transaction in the form of a lease or sale. Accordingly, this ordinance and the Loan Agreement hereby authorized contained such provisions as the City deems appropriate to effect the financing of the Facilities by the loan form of transaction.

(4) Neither the Bonds nor interest coupons issued under the authority of the Enabling Legislation constitute an indebtedness of the City or a charge against the general credit or taxing powers of the City within the meaning of any constitutional provision or provisions of the City Charter or statutory limitation and shall never constitute or give rise to any pecuniary liability of the City. The principal amount of the loan and the payments to be made by the Borrower pursuant to the Loan Agreement will be paid directly to, and will be disbursed by, the independent trustee or escrow agent appointed by the Board of Finance of the City pursuant hereto; no such moneys will be commingled with the City's funds or be subject to the absolute control of the City but only to such limited supervision and checks as are deemed necessary or desirable to insure that the proceeds of the Bonds are used to accomplish the public purposes of the Enabling Legislation and this ordinance. The Enabling Legislation provides that a loan form of transaction thereunder shall not constitute a capital project within the meaning of any charter or statutory provision. The public purposes expressed in the Enabling Legislation are intended to be achieved by facilitating the acquisition, construction and improvement of the Facilities by the Borrower.

(5) Except insofar as is necessary or desirable to facilitate the creation of any security for the Bonds, the City will acquire no interest in the Facilities. The security for the Bonds shall be solely and exclusively the absolute, irrevocable, unconditional obligation of the Borrower to make the payments required by the Loan Agreement, together with such other security, if any, as may be provided in a resolution adopted prior to the delivery of the Bonds. This ordinance definitely fixes and determines that the amount of revenue necessary to be set apart and applied to the payment of principal of, and the interest and pre-

mium on the Bonds shall be the entire amount of the receipts and revenues of the City from payments under the Loan Agreement except for any rights of the City to indemnification and to payments for the City's administrative expenses.

(6) (a) No part or proportion of the receipts and revenues of the City from the loan shall be set aside as a depreciation account (mentioned in the Enabling Legislation) since such a depreciation account would (i) be inconsistent with the loan form of transactions authorized hereby and (ii) place an unreasonable burden on the Borrower so as to adversely affect the feasibility of the transactions and thus frustrate the legislative purposes of the Enabling Legislation and (b) a covenant such as that permitted by Section 266G(c) of the Enabling Legislation would be similarly inconsistent with the loan form of transaction authorized hereby in the event Bondholders do not obtain or retain any security interest in the Facilities. Such a covenant is, therefore, a procedure which does not appear to be contemplated by the Enabling Legislation in connection with this transaction.

SEC. 2. *And be it further ordained*, That this ordinance is intended to be, and shall constitute, an expression of the present intention of the City to the Borrower to issue and deliver the Bonds authorized hereby in accordance with the terms hereof. It is contemplated that the Borrower may proceed with the acquisition, construction and improvement of the Facilities prior to the issuance and delivery of the Bonds authorized hereby in reliance upon the enactment of this ordinance by the City.

SEC. 3. *And be it further ordained*, That the issuance, sale and delivery of not exceeding \$3,000,000 aggregate principal amount of revenue bonds are hereby authorized, subject to the provisions of this ordinance, such Bonds to be solely and exclusively payable from, and secured by, the revenue derived from payments on the loan to the Borrower as provided herein. The Bonds authorized by this ordinance are hereby designated "Industrial Development Revenue Bonds (Herget Project)" and may be redesignated by the City Council or Board of Finance by resolution adopted

prior to the delivery of the Bonds. The aggregate principal amount of Bonds issued, sold and delivered pursuant to this ordinance shall not exceed \$3,000,000 unless such amount shall be increased by an ordinance supplemental hereto.

SEC. 4. *And be it further ordained*, That the City Council hereby recognizes the function of the Mayor and the Board of Finance in making the executive and administrative determinations necessary for the issuance of bonds of the City. This ordinance, therefore, provides that the Board of Finance may make administrative determinations in connection with the issuance and sale of the Bonds, such determinations to be effective only after approval by the Mayor or Acting Mayor. The provisions of this ordinance (including Sections 3, 4, 5, 6, 7, 8 and 9 hereof) contemplate that prior to the sale of any series of Bonds, certain matters in connection with the authorization, issuance, security, sale and payment of the Bonds will be determined administratively by resolution or resolutions of the City Council. If and to the extent that the City Council has not adopted a resolution or resolutions determining such matters prior to the date on which an underwriting agreement or bond purchase agreement shall be submitted by the underwriters for, or any purchasers of, any series of the Bonds (such date to be determined by the Board of Finance in accordance with Section 6 hereof), all such matters, or any of them, may be determined by resolution or resolutions of the Board of Finance, which resolution or resolutions of the Board of Finance shall be of an administrative nature and shall be effective upon approval by the Mayor or Acting Mayor of the City. Prior to the date of submission of such underwriting agreement or bond purchase agreement, the City Council may, by administrative resolution or other appropriate action, make any or all determinations which are authorized to be made by the Board of Finance pursuant to this ordinance, in which event, all such determinations made by the City Council shall be effective without further action by, and be binding on, the Board of Finance.

The Bonds authorized by this ordinance may be issued in one or more series, and each such series shall be identi-



fied by a letter or numerical designation, so that the first series (if the issuance of more than one series of Bonds hereunder is then contemplated) shall be designated "Industrial Development Revenue Bonds (Herget Project), Series A". The Bonds may be further identified by the year of issue or by such other substitute or additional appropriate designation as the City Council or Board of Finance may determine by resolution adopted prior to the delivery of the Bonds. The aggregate principal amount of Bonds to be issued pursuant to this ordinance at any one time shall be determined by the City Council or Board of Finance by resolution adopted prior to the delivery of the Bonds.

In the event more than one series of Bonds is issued hereunder, it is contemplated that a separate series (which may be evidenced by a single instrument) of notes or other obligations of the Borrower (evidencing the obligation of the Borrower to repay the loan from the City) be issued to correspond with, and secure, each separate series of Bonds issued hereunder.

The Bonds of a series of Bonds shall be dated as of the first day of the month next following the date on which such series of Bonds is sold unless the City Council shall specify a different date in its resolution or resolutions hereinafter described. Unless otherwise provided in the resolution or resolutions of the City Council hereinafter described, the Bonds shall bear interest at an annual rate or rates payable semi-annually following the date of such series of Bonds so that, if the Bonds of a series are dated January 1, 1982 interest on that series of Bonds will be payable on July 1, 1982, January 1, 1983, and semi-annually thereafter.

The Bonds of each series of Bonds issued hereunder shall mature on such date or dates as may be provided in the resolution of the City Council hereinafter described, but the last maturity of any such series of Bonds shall in no event exceed a period of thirty (30) years from the date of such series of Bonds (or such later date as may be permitted under the terms of the Enabling Legislation in effect on the date of such series of Bonds). If the resolution of the City Council hereinafter described does not provide

any maturity or maturities for a series of Bonds, all of the Bonds of such series shall mature on (i) the date thirty (30) years from the date of such series of Bonds, or (ii) in the event a later maximum maturity is then authorized by the Enabling Legislation, the authorized maturity date which is the longest authorized period from the date of such series of Bonds. For example, if the Bonds of a series are dated July 1, 1981, all the Bonds of that series will mature (unless (i) a resolution of the City Council provides otherwise or (ii) a later maximum maturity is then permitted by the Enabling Legislation) on July 1, 2011. It is the intention of this Section that the Bonds of each series of Bonds will mature on the latest date authorized by the Enabling Legislation unless otherwise provided by the City Council in its resolution or resolutions hereinafter described.

SEC. 5. *And be it further ordained*, That, prior to the delivery of any series of Bonds, the City Council shall adopt a resolution or resolutions which shall prescribe the principal amount of Bonds to be issued as a series at any one time.

Prior to the delivery of any series of Bonds, the City Council may also adopt a resolution or resolutions which may prescribe (i) the date of issue of such series of Bonds, (ii) the maturity or maturities of such series of Bonds, (iii) any additional terms necessary or appropriate to reflect any matters provided by resolution and (iv) such other matters as may be deemed appropriate by the City Council.

Any resolution or resolutions adopted pursuant to this section of this ordinance shall be deemed to be of an administrative nature and shall be effective upon approval by the Mayor or Acting Mayor of the City.

SEC. 6. *And be it further ordained*, That it is hereby found and determined that the best interests of the City will be served by selling the Bonds at private (negotiated) sale as authorized by the Enabling Legislation, upon the terms and conditions determined by the Board of Finance as hereinafter authorized.

Authority is hereby conferred on the Board of Finance of the City to take the following actions and to make the following commitments on behalf of the City:

(a) to prepare and distribute, in conjunction with representatives of the Borrower and the prospective underwriters for the Bonds, both a preliminary and a final official statement, offering memorandum, or similar document in connection with the sale of the Bonds;

(b) to determine the date, time and place when an underwriting agreement shall be submitted by the underwriters for the Bonds, such underwriting agreement to specify the interest rate or rates proposed to be paid on the Bonds, the price at which such Bonds are to be sold to such underwriters, and such other matters as the underwriters and the Board of Finance may deem necessary or desirable in order to effect the sale and delivery of the Bonds;

(c) to determine the interest rate or rates to be paid by the City on the Bonds in accordance with the proposed underwriting agreement submitted by the underwriters for the Bonds, but only after the Borrower shall have given the City written approval of such rate or rates;

(d) to determine the redemption provisions for the Bonds, and sinking fund requirements, if any, for the Bonds;

(e) to appoint a bank having trust powers, or a trust company, as trustee for the Bonds to be issued pursuant to this ordinance; and

(f) in order to insure that such Bonds are issued without direct cost to the City, to provide for the payment, directly by the Borrower, of all costs, fees, and expenses incurred by or on behalf of the City in connection with the issuance of the Bonds, such payments to include (without limitation) compensation to any persons performing services by or on behalf of the City in connection with the transactions contemplated by this ordinance.

Authority is hereby conferred on the Mayor or Acting Mayor of the City to take the following actions and to make the following commitments on behalf of the City:



(a) to execute and deliver a loan agreement by and between the City and the Borrower in the form determined by resolution of the City Council approved by the Mayor or Acting Mayor as authorized by Section 8 of this ordinance; and

(b) to execute and deliver, as a binding and enforceable obligation of the City, the underwriting agreement for the Bonds by and between the City and the underwriters for the Bonds and to proceed to accomplish any and all actions necessary or deemed appropriate by either of them to issue and deliver the Bonds to such underwriters in accordance with the provisions of this ordinance and the underwriting agreement.

SEC. 7. *And be it further ordained*, That, in authorizing the sale of revenue bonds to finance the Facilities for the Borrower pursuant to the Enabling Legislation, the Mayor and City Council are hereby empowered to provide that the revenue bonds authorized by this ordinance and any revenue bonds authorized for such purpose by other ordinances, may be consolidated and sold as one or more issues or series of revenue bonds, without regard to the date of enactment of any ordinance authorizing the issuance of such revenue bonds. The aggregate principal amount of revenue bonds authorized by this ordinance may be increased, from time to time, and the description of the Facilities may be supplemented or modified by ordinances supplemental to this ordinance. Nothing contained in this ordinance is intended to require the adoption of an ordinance supplemental to this ordinance to authorize the deletion of any one or more items of the facilities constituting the Facilities. The Mayor and City Council are hereby expressly authorized, in their discretion and based upon their determinations from time to time, to omit any part of the Facilities from the facilities to be financed by revenue bonds issued pursuant to this ordinance. It is the purpose and intent of this section that the Mayor and City Council be afforded broad discretion in the structuring and scheduling of revenue bond issues, whether authorized by this ordinance or otherwise, to finance the Facilities for the Borrower in order that the public purpose of the Enabling Legislation and this ordinance may be realized.

SEC. 8. *And be it further ordained*, That, prior to the sale of any series of Bonds, the City Council may (without limitation) determine administratively by resolution or by other appropriate action:

(1) the provisions of trust between the City and the trustee;

(2) the manner of execution, authentication, registration and transfer of the Bonds;

(3) provisions for authentication and delivery of the Bonds;

(4) the provisions of the Loan Agreement between the City and the Borrower;

(5) the terms of the note or other evidence of the obligations of the Borrower issued for each series of Bonds;

(6) provision for creation, holding and disbursement of a loan fund to be held by the trustee, an escrow agent or Bondholder;

(7) provisions for creation, holding and disbursement of any other funds and accounts to be held by the trustee, escrow agent or Bondholder;

(8) provisions for the application of receipts and revenues from the City on account of the Loan;

(9) provisions for the security for and investment of moneys held by the trustee, escrow agent or Bondholder;

(10) remedies for holders of the Bonds in the event of default;

(11) the duties, rights and immunities of the trustee, escrow agent or Bondholder;

(12) the manner of execution of instruments by holders of the Bonds and the method of proof of ownership of the Bonds;

(13) provisions for modification of this ordinance, the Loan Agreement, and any resolution or other action of the Mayor, City Council and Board of Finance pertaining to the Bonds;

- (14) provisions for defeasance;
- (15) the forms of the Bonds, coupons and the authentication certificate; and
- (16) such other matters in connection with the authorization, issuance, security, sale and payment of the Bonds as may be deemed appropriate by the City Council.

Any resolution or resolutions adopted pursuant to this ordinance shall be deemed to be of an administrative nature and shall be effective upon approval by the Mayor or Acting Mayor of the City.

SEC. 9. *And be it further ordained, That:*

(1) The authority hereunder to issue the Bonds is intended and shall be deemed to include the authority to issue bond anticipation notes pursuant to Section 12 of Article 31 of the Annotated Code of Maryland (1976 Replacement Volume and 1980 Cumulative Supplement, as amended) (the "Bond Anticipation Note Enabling Legislation"). Reference in this ordinance to the "Bonds" shall include such bond anticipation notes where appropriate. Prior to the issuance, sale and delivery of any series of bond anticipation notes, the City Council shall adopt a resolution or resolutions which shall prescribe the maturity or maturities, interest rate or rates, or the method for determining the same, and other terms of such bond anticipation notes and the price or prices at which said notes will be sold. Such bond anticipation notes shall be sold by private negotiation by the City with a prospective purchaser or purchasers, as authorized by the said Section 12, unless, upon request of the Borrower, such resolution or resolutions provides that such bond anticipation notes shall be sold at public sale.

(2) Any resolution or resolutions adopted pursuant to this Section of this ordinance shall be deemed to be of an administrative nature and shall be effective upon approval by the Mayor or Acting Mayor.

(3) In accordance with the Bond Anticipation Note Enabling Legislation, the City hereby covenants to pay any bond anticipation notes issued pursuant to this Section of this ordinance and the interest thereon from the proceeds



of the bonds in anticipation of the sale of which such notes are issued, and the City hereby further covenants to issue such bonds when, and as soon as, the reason for deferring the issuance thereof no longer exists. The timely issuance of such bonds, however, is dependent upon matters not within the control of the City, e.g., the existence of a purchaser or purchasers for such bonds at the time provided by the covenant for issuance and various actions by the Borrower, its officers, agents and employees.

SEC. 10. *And be it further ordained*, That the term "Board of Finance" as used in this ordinance includes any board, agency, or department of the City created and existing under the Charter of the City and designated by such Charter to perform the functions and duties that were performed by the Board of Finance at the time of the introduction of this ordinance.

SEC. 11. *And be it further ordained*, That the Borrower shall agree that:

(a) It will submit any plans and specifications for the acquisition of the Facilities to the Department of Housing and Community Development for approval, with the understanding that, in addition to the economic feasibility of the acquisition of the Facilities, the Department of Housing and Community Development may consider, without limitation, the suitability of any site plan, architectural treatment, building plans, elevations, materials, color, construction details, access, parking, loading, landscaping, identification signs, exterior lighting, refuse collection details, streets, sidewalks, and harmony between the plans and the surroundings of the proposed Facilities and that the Department of Housing and Community Development may refuse approval of any such plans and specifications for aesthetic or functional reasons; and

(b) It and its developers will work with the design advisory group appointed by the Department of Housing and Community Development in order to achieve high quality site, building, and landscape design.

SEC. 12. *And be it further ordained*, That if the Bonds are not issued and sold within six months from the date

on which this ordinance is approved by the Mayor or Acting Mayor of the City, the authorization provided in this ordinance for the City to issue and sell the Bonds shall expire; provided however, that the Board of Finance of the City may, after a showing of good cause at a public hearing held before the Board of Finance, extend such authorization for one additional term not to exceed six months. The Board of Finance, in its sole discretion, shall determine the sufficiency, or lack thereof, of the reasons presented for any requested extension of this ordinance. If an extension is granted, notice of such extension and the reasons therefor shall be sent to the City Council.

SEC. 13. *And be it further ordained*, That the provisions of this ordinance are severable, and if any provision, sentence, clause, section or part thereof is held illegal, invalid or unconstitutional or inapplicable to any person or circumstances, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of the ordinance or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this ordinance would have been adopted if such illegal, invalid or unconstitutional provision, sentence, clause, section or part had not been included therein, as if the person or circumstances to which the ordinance or any part thereof is inapplicable had been specifically exempted therefrom.

SEC. 14. *And be it further ordained*, That this ordinance shall take effect from the date of its passage.

Approved June 30, 1981.

WILLIAM DONALD SCHAEFER, *Mayor*.

No. 378  
(Council No. 702)

AN ORDINANCE concerning

THE SALE OF THE PROPERTY KNOWN AS  
6709 PULASKI HIGHWAY (INCINERATOR  
NUMBER 4) TOGETHER WITH REAL AND  
PERSONAL PROPERTY LOCATED THEREON

FOR the purpose of authorizing the City Comptroller, the Board of Estimates and any other officials or representatives of the City to sell at private sale in accordance with Article II, Section 15A, Article V, Section 5(b) and Article I, Section 1, of the City Charter, all of the interest of the Mayor and City Council of Baltimore in and to that parcel of land and improvements known as Incinerator Number Four and located at 6709 Pulaski Highway, Baltimore, Maryland, said property being no longer needed for public use; that such sale shall be made in accordance with the terms and conditions of a Letter of Intent to the City; providing that certain provisions of this Ordinance are severable; further indicating the City's acceptance and ratifying the acceptance by the Board of Estimates of such Letter of Intent; and further providing and authorizing the Board of Estimates to approve the final agreement for such sale; and making certain findings and determinations.

RECITALS

The Mayor and City Council of Baltimore (the "City") currently owns that property known as 6709 Pulaski Highway and the improvements thereon also known as "Incinerator Number 4". In order to meet its waste disposal needs and to fulfill its obligations under the Northeast Maryland Regional Solid Waste Management Agreement, the City has renovated Incinerator No. 4 and has acquired and installed certain equipment in Incinerator Number 4. Incinerator Number 4 is not currently designed to facilitate the recovery of materials from waste or the generation of steam for sale.

On or about May 1, 1981, The Pulaski Company (the "Buyer") proposed to purchase the Incinerator Number 4



for its appraised value and to operate the incinerator and to enter into a waste disposal agreement with the City which would provide, among other things, (i) that the Buyer would dispose of the City's waste and meet its obligations under the Northeast Maryland Regional Solid Waste Management Agreement, and (ii) that the Buyer would share with the City revenues from other haulers using the incinerator and from the recovery of materials or the sale of steam as a result of improvements to Incinerator Number 4 made by the Buyer.

The Board of Estimates accepted the proposal of the Buyer at its meeting on May 6, 1981. This Ordinance authorizes and indicates the intention of the Board of Estimates and the City to proceed with the sale of Incinerator Number 4 as proposed by the Buyer and ratifies the actions of the Board of Estimates in connection therewith.

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That the Comptroller of Baltimore City, the Board of Estimates and any other officers or representatives of the City be and they hereby are authorized to sell at private sale in accordance with and pursuant to Article II, Section 15A, Article V, Section 5(b) and Article I, Section 1 of the City Charter, as the case may be, all of the interest of the Mayor and City Council of Baltimore (the "City") in and to that parcel of land situated in Baltimore, Maryland known as 6709 Pulaski Highway and described as follows:

All that tract or parcel of ground situate, lying and being in the City of Baltimore, State of Maryland, and more particularly described as follows:

Beginning for the same at a point having coordinate values of North 3,423.67 and East 23,015.75 as established from the Baltimore Survey Control System and based on the following traverse stations: No. 27925 (North 2,857.962 and East 22,245.518) and No. 27931 (North 2,816.222 and East 22,544.452) said point of beginning also being the intersection of the southeast side of Pulaski Highway (152 feet wide) and the southwest right-of-way line of through highway Interstate Route No. 95; thence leaving said point and running with and binding on the southwest right-of-

way line of said Interstate Route No. 95 the two (2) following courses and distances, viz: South 39 degrees 48 minutes 04 seconds East 553.41 feet, and South 26 degrees 52 minutes 35 seconds East 405.03 feet to point, said point being the intersection of the southwest right-of-way line of through highway Interstate Route No. 95 and the northwest right-of-way line of the Baltimore and Ohio Railroad; thence leaving said intersection and running with and binding on the northwest right-of-way line of said Baltimore and Ohio Railroad South 56 degrees 36 minutes 28 seconds West 741.14 feet to a corner common to these lands and the lands now or formerly of Meisel and Cohen Properties; thence running with and binding on the lands of said Meisel and Cohen the three (3) following courses and distances, viz: North 57 degrees 05 minutes 20 seconds West 783.10 feet, South 59 degrees 04 minutes 36 seconds West 72.72 feet, and North 57 degrees 05 minutes 20 seconds West 198.03 feet to a point on the southeast side of Pulaski Highway (152 feet wide); thence running with and binding on the southeast side of said Pulaski Highway the two (2) following courses and distances, viz: North 59 degrees 14 minutes 17 seconds East 358.89 feet, and 337.05 feet along the arc of a curve to the left having a radius of 2,813.92 feet and a chord bearing and distance of North 55 degrees 48 minutes 23.5 seconds East 336.86 feet to a corner common to these lands and the lands now or formerly of Pulaski Development Company; thence leaving the southeast side of said Pulaski Highway and running with and binding on the lands of said Pulaski Development Company the three (3) following courses and distances, viz: South 45 degrees 08 minutes 32 seconds East 150.00 feet, North 49 degrees 50 minutes 43 seconds East 299.96 feet, and North 45 degrees 08 minutes 32 seconds West 149.99 feet to a point on the southeast side of said Pulaski Highway; thence running with and binding on the southeast side of said Pulaski Highway North 48 degrees 48 minutes 13 seconds East 200.94 feet to the point of beginning.

Containing 19.1323 acres of land more or less together with all improvements thereon and all equipment located or to be located on and used or to be used in connection with the operation of such land and improvements.

All courses and distances in the above description are referred to the true meridian adopted by the Baltimore survey control system.

Said property being no longer needed by the City for public use.

SEC. 2. *Be it further ordained*, That the sale of the above described property shall be made generally in accordance with the terms and conditions set forth in a letter from The Pulaski Company to the City (the "Letter of Intent") heretofore accepted by the Board of Estimates by its duly authorized representatives, and that this Ordinance shall further indicate the acceptance of the Letter of Intent by the City and the ratification of the acceptance of the Letter of Intent by the Board of Estimates and the intent of the City to consummate the sale of Incinerator Number 4 as proposed in the Letter of Intent.

SEC. 3. *Be it further ordained*, That the Board of Estimates of Baltimore City shall approve the final agreement to be executed pursuant to the Letter of Intent, and the Comptroller, the Director of Finance and any other officials and representatives of the City are hereby authorized and directed to execute any agreements or documents on behalf of the City as the Board of Estimates of the City may deem necessary or desirable in order to consummate the transactions described in the Letter of Intent.

SEC. 4. *Be it further ordained*, That it is hereby found and determined that Incinerator Number 4 will be used by The Pulaski Company for or in connection with the industrial and economic growth or expansion of the City.

SEC. 5. *Be it further ordained*, That no Deed or Deeds or Bill of Sale shall pass in accordance herewith until the same shall have been first approved by the City Solicitor.

SEC. 6. *Be it further ordained*, That the provisions of this Ordinance are severable. It is hereby declared to be the legislative intent that if any provision hereof is or is declared to be illegal, invalid, void, voidable or unconstitu-



tional, the remaining provisions of this Ordinance shall not be affected by such illegality, invalidity, unconstitutionality or other circumstance.

SEC. 7. *And be it further ordained*, That this Ordinance shall take effect from the date of its passage.

Approved June 30, 1981.

WILLIAM DONALD SCHAEFER, *Mayor*.

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No. 379

(Council No. 703)

AN ORDINANCE concerning

THE FINANCING OF CERTAIN EQUIPMENT  
THROUGH THE USE OF A CONDITIONAL  
EQUIPMENT PURCHASE AGREEMENT AND  
THE SALE OF INTERESTS UNDER A TRUST  
AGREEMENT AND THE EXPRESSION OF  
INTENT TO PROCEED WITH THE FINANCING  
AND THE SUBSEQUENT SALE OF THE  
EQUIPMENT TO BE FINANCED TO THE  
PULASKI COMPANY

FOR the purpose of approving, authorizing, ratifying and confirming actions taken and to be taken by the Board of Estimates of the City (the "Board") in connection with the proposed financing of certain equipment to be located at Incinerator No. 4, 6709 Pulaski Highway (the "Plant") pursuant to a conditional equipment purchase agreement; authorizing, approving, ratifying and confirming actions taken and to be taken by the Board in connection with the assignment and conveyance of the equipment to First Continental Leasing Corporation; providing that the Board shall determine and approve, by resolution, (i) the form of certain documents to be executed and delivered on behalf of the Mayor and City Council of Baltimore (the "City") in connection with the financing of the equipment, (ii) the terms of any

sale of Participation Certificates under a trust agreement in connection therewith and the appointment of a Trustee and the use of a offering memorandum in connection therewith, (iii) the application for, and obtaining of, municipal bond insurance in connection therewith, (iv) the establishment of a Reserve Fund in connection therewith, and (v) any other matters which the Board deems necessary in connection therewith; indicating the City's intent to enter into the financing of the equipment as generally described in the Ordinance and the sale of the Plant to The Pulaski Company; approving certain terms of the financing of the equipment subject to final determination by the Board as permitted by this Ordinance; authorizing the execution and delivery on behalf of the City of certain documents necessary to consummate the transactions contemplated by the Ordinance; providing that the Board of Finance approve the Resolution of the Board in connection with the financing; providing that certain provisions of the Ordinance are severable; and generally providing and authorizing the Board to provide for the consummation of the transactions described in the Ordinance.

### RECITALS

The Mayor and City Council of Baltimore (the "City"), a political subdivision and body corporate and politic created and existing under the Constitution and Laws of the State of Maryland, by authority of Article I, Section 1 of The Charter of Baltimore City (1964 Revision, as amended) (the "Charter") is authorized to purchase and hold real, personal and mixed property and to dispose of the same for the benefit of the City.

The City is presently developing, renovating and improving an incinerator facility known as Incinerator No. 4 on Pulaski Highway in Baltimore City (the "Plant"). Financing for a portion of the capital costs of the Plant is being provided from proceeds of the City's general obligation bonds issued pursuant to Ordinance No. 69 (Bill No. 303), approved by the Mayor on June 16, 1976 and by the voters of the City on November 2, 1976 (the "Bonds"), which authorized up to \$16,000,000 in Bonds.

On April 25, 1978, the City issued \$1,600,000 of the Bonds as part of its Consolidated Public Improvement Bonds of 1978. On April 24, 1980, the City issued \$14,400,000 of the Bonds as part of its Consolidated Public Improvement Bonds of 1980.

On January 3, 1979, the Board of Estimates approved in concept the use of equipment financing to provide equipment for the Plant and other capital projects. Pending the consummation of an approved transaction, the City temporarily advanced sums to allow for the obtaining of a portion of the equipment.

First Continental Leasing Corporation ("First Continental") has proposed, by letter dated August 26, 1980, to provide the necessary financing for certain equipment in the Plant (the "Equipment"). The Board of Estimates, by action on May 27, 1981, approved the financing and the formal documents for that financing. Formal conveyance to First Continental of the portion of the Equipment previously acquired by the City will result in the City recovering sums advanced pending consummation of the financing.

The Board of Estimates of the City is responsible, under Article VI, Section 4(a) of the Charter, for supervising all purchasing by the City. The Equipment was acquired for the Plant with temporary advances from the City in accordance with such procurement requirements.

The City has received an offer from The Pulaski Company (the "Buyer") to purchase the Plant and to operate the Plant. On May 6, 1981, the Board of Estimates accepted the offer of the Buyer, subject to certain conditions, including the consummation of the Equipment financing without adverse results from the sale of the Plant. The City contemplates that if the Plant is sold to the Buyer, the City will assign its interest in the Equipment (hereinafter defined) to the Buyer. The City intends to complete the financing of the Equipment prior to the final closing of the sale of the Plant to the Buyer.

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That the Equipment shall be acquired pursuant to the terms of a Conditional Purchase Equipment



Agreement in the form approved or to be approved by the Board of Estimates (the "Board") by a resolution (the "Resolution").

SEC. 2. *Be it further ordained*, That the proposed assignment and conveyance to First Continental Leasing Corporation ("First Continental") of the Equipment and rights thereto in order to recover the temporary advances made by the Mayor and City Council of Baltimore (the "City") and all actions of the Board taken or to be taken in connection therewith are hereby authorized, approved, ratified and confirmed.

SEC. 3. *Be it further ordained*, That the Board shall, in the exercise of its powers under Article IV, Section 4(a) of the Charter, determine and approve in the Resolution the form of Conditional Equipment Purchase Agreement (the "Purchase Agreement"), relating to the Equipment, by and between the City and First Continental, the form of Trust Agreement (the "Trust Agreement"), among the City, First Continental and a trustee to be selected with the approval of the Mayor and the Director of Finance relating to the issuance of Certificates of Participation in the Purchase Agreement (the "Certificates"), the form of the Assignment Agreement from the City and First Continental (the "Assignment Agreement") and the form of the Assignment and Bill of Sale conveying the City's interest in the Equipment to First Continental (the "Bill of Sale"). The Mayor and the Director of Finance of the City, and such other officials of the City as are necessary or as are authorized by the Board in the Resolution, are hereby authorized to execute and deliver the Purchase Agreement, the Trust Agreement, the Assignment Agreement and the Bill of Sale on behalf of the City, in the forms approved by the City Solicitor or the Associate City Solicitor of the City or special counsel designated by the Board in the Resolution, with such non-substantive changes as are approved by the Mayor. Execution and delivery by the Mayor and the Director of Finance of the Purchase Agreement and the Trust Agreement shall be conclusive as to approval by the Board and the City.

SEC. 4. *Be it further ordained*, That the purchase installments to be made under the Purchase Agreement shall be

made semi-annually or more frequently as the Board may determine in the Resolution, the purchase installments under the Purchase Agreement shall, in the aggregate, be in the principal amount of not more than \$11,000,000.00 as determined by the Board by the Resolution, and deferred installments shall bear interest at a rate to be determined by the Board in the Resolution.

SEC. 5. *Be it further ordained*, That the Board in the Resolution may approve and determine:

(i) The terms of any sale of the Certificates under the Trust Agreement, including the fees of any advisor, agent or underwriter employed by the City in order to facilitate the sale of such interests, and any agreement between the City and such advisor, agent or underwriter in connection therewith;

(ii) The use and appointment of a trustee to administer funds and payments in relation to the Certificates;

(iii) The use of an offering memorandum to disclose matters relevant to the Equipment, the Plant and the City, subject to the final approval of special counsel to the City;

(iv) Any application for, and the obtaining of, municipal bond insurance;

(v) The establishment and funding of a reserve fund under the Purchase Agreement and/or the Trust Agreement;

(vi) Any other matters which the Board deems necessary to determine in connection therewith the transactions contemplated by this Ordinance.

SEC. 6. *Be it further ordained*, That the Board of Finance of the City shall approve the Resolution either before or after the Board acts thereon.

SEC. 7. *Be it further ordained*, That this Ordinance shall indicate the City's intent to proceed to consummate the transactions contemplated hereby, including, without limitation, the financing of the Equipment pursuant to the Purchase Agreement, the sale of the Certificates pursuant to the Trust Agreement and the sale of the Plant to The

Pulaski Company and shall, to the extent necessary, constitute any "official action" for the purposes of Section 103 of the Internal Revenue Code of 1954, as amended and the Income Tax Regulations promulgated thereunder with respect to the above transactions.

SEC. 8. *Be it further ordained*, That the provisions of this Ordinance are severable. It is hereby declared to be the legislative intent that if the sale of the Plant is not consummated or is illegal, invalid, void, voidable or unconstitutional, all actions of the Board, the Mayor, the Director of Finance and any other necessary officials of the City to consummate the other transactions contemplated by this Ordinance, the Purchase Agreement and the Trust Agreement are hereby approved and ratified and the validity of such actions shall not be affected by such illegality, invalidity, unconstitutionality or other circumstance.

SEC. 9. *Be it further ordained*, That this Ordinance shall take effect from the date of its passage.

Approved June 30, 1981.

WILLIAM DONALD SCHAEFER, *Mayor*.

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No. 380

(Council No. 705)

AN ORDINANCE concerning

ISSUANCE OF \$8,000,000 INDUSTRIAL  
DEVELOPMENT REVENUE BONDS—  
(INTERNATIONAL PROPERTIES PROJECT)

FOR the purpose of designating International Properties Group Limited Partnership, a Maryland limited partnership, as the recipient of the loan of the proceeds of the sale, by the Mayor and City Council of Baltimore, of its revenue bonds (or limited governmental obligations), designated "Industrial Development Revenue Bonds (In-



ternational Properties Project)," said limited partnership consisting or to consist of International Properties Group, Ltd., a District of Columbia corporation, Bromley K. Smith, Jr., Irwin Nestler, Henry Lieberman, Richard S. Bromley, Hugh Cassidy and other individuals, corporations or entities to be named, or any combination of the foregoing, as general partners, as well as certain limited partners to be named; and providing for an extension of the period of time during which said bonds may be issued and sold.

BY repealing and reenacting, with amendments,

Section 9 of Ordinance No. 134 of the Mayor and City Council of Baltimore, passed by the City Council on July 21, 1980, approved by the Mayor on July 28, 1980.

### RECITALS

Ordinance No. 134 (the "Ordinance") of the Mayor and City Council of Baltimore (the "City"), passed by the City Council on July 21, 1980, approved by the Mayor on July 28, 1980, authorizes the City to issue and sell in an aggregate principal amount not to exceed \$8,000,000 its revenue bonds (or limited governmental obligations), designated "Industrial Development Revenue Bonds (International Properties Project)" (the "Bonds"), pursuant to the provisions of either Subsection (50) of Article II of the Charter of Baltimore City (1964 Revision, as amended) (the "Enabling Law") or, subject to the approval of the Maryland Industrial Development Financing Authority, Sections 13-101 through 13-155, inclusive, of the Financial Institutions Article of the Annotated Code of Maryland (1980 Volume and 1980 Supplement) (the "MIDFA Act") (formerly codified as Sections 266J through 266CC, inclusive, of Article 41 of the Annotated Code of Maryland). The Ordinance authorizes the City to loan the proceeds of the sale of the Bonds to International Properties Group, Ltd. (also referred to in the Ordinance as the "Concern"), a limited partnership to be formed and to consist of certain named general partners and certain limited partners to be named, for the purpose of financing the acquisition or construction by such limited partnership of a multi-story executive suite hotel and related facilities to be located

at the northwest corner of the intersection of Calvert and Lombard Streets, machinery and equipment necessary or useful for the building, and a land site or interests in land necessary or desirable for the building, together with roads, or other rights of access, utilities, and other necessary facilities (the "Project").

Section 9 of the Ordinance provides that if the Bonds are not issued and sold within six months from the date on which the Ordinance was approved by the Mayor, the authorization provided in the Ordinance for the City to issue and sell the Bonds will expire. The Ordinance does provide for one six month extension that may be granted by the Board of Finance of the City. The Mayor approved the Ordinance on July 28, 1980 and the Board of Finance extended such authorization through July 28, 1981.

At the time of the enactment of the Ordinance, the limited partnership (referred to in the Ordinance as International Properties Group, Ltd. or the "Concern") that would acquire and construct the Project had not been formed. The limited partnership has now been formed under the name "International Properties Group Limited Partnership." The City has determined in the Ordinance, as amended by this supplemental ordinance (the "Supplemental Ordinance"), to loan the proceeds of the sale of the Bonds to the limited partnership now formed and so named and, accordingly, has determined that references to the term "Concern" in the Ordinance, as amended by this Supplemental Ordinance, shall be deemed to refer to International Properties Group Limited Partnership.

The bond markets and other capital markets have been extremely volatile over the past several months. Under such circumstances, the prospective participants in a limited partnership formed to acquire and construct a facility such as the Project sometimes change. The City has been advised that the corporations mentioned in the Ordinance as the prospective general partners of the limited partnership to be formed to construct and acquire the Project are no longer involved in the acquisition and construction of the Project and are not general partners

of International Properties Group Limited Partnership. The City has been advised that International Properties Group Limited Partnership includes or will include International Properties Group, Ltd., a District of Columbia corporation, Bromley K. Smith, Jr., Irwin Nestler, Henry Lieberman, Richard S. Bromley, Hugh Cassidy, and other individuals, corporations or entities to be named, or any combination of the foregoing, as general partners, as well as certain limited partners to be named. The City has also been advised that International Properties Group Limited Partnership, as so constituted desires to proceed with construction and acquisition of the Project. The City has determined in the Ordinance, as amended by this Supplemental Ordinance, to issue and sell its Bonds in order to loan the proceeds of such sale to said limited partnership for the purpose of financing the acquisition and construction of the Project.

The City has been further advised that economic and financial considerations, including the uncertain and generally unfavorable conditions that have prevailed in the bond markets since the enactment of the Ordinance, have made it inadvisable for International Properties Group Limited Partnership to request that the City issue and sell its Bonds within the time limits set forth in Section 9 of the Ordinance.

The City has been advised that, should the authorization to issue the Bonds be extended, International Properties Group Limited Partnership intends to proceed with the acquisition and construction of the Project and with the financing of such acquisition through the loan of the proceeds of the sale of the Bonds. Accordingly, the City has determined in the Ordinance, as amended by this Supplemental Ordinance, to extend the authorization to issue the Bonds through January 28, 1982.

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That Section 9 of Ordinance No. 134 of the Mayor and City Council of Baltimore, passed by the City Council on July 21, 1980, approved by the Mayor on July 28, 1980, be repealed, amended or enacted to read as follows:



Section 9. *And be it further ordained*, That if the Bonds are not issued and sold [within six (6) months from the date on which this ordinance is approved by the Mayor or Acting Mayor of the City] *on or before January 28, 1982*, the authorization provided in this ordinance for the City to issue and sell the Bonds shall expire; provided however, that the Board of Finance of the City may, after a showing of good cause at a public hearing held before the Board of Finance, extend such authorization for one additional term not to exceed six (6) months. The Board of Finance, in its sole discretion, shall determine the sufficiency, or lack thereof, of the reasons presented for any requested extension of this ordinance. If an extension is granted, notice of such extension and the reasons therefor shall be sent to the City Council. For the purposes of this section, the issuance and sale of the Bonds shall have been deemed to have taken place and the authorization to issue and sell Bonds in an aggregate principal amount not to exceed \$8,000,000 shall not expire, if prior to [six months] *January 28, 1982*, or in the event the Board of Finance extends such authorization, [twelve months] *prior to July 28, 1982 (or such earlier date as the Board of Finance shall designate)*, [after the approval of this ordinance by the Mayor or Acting Mayor,] (I) the City and a prospective purchaser of the Bonds shall enter into a binding contract providing for the sale of the Bonds (upon terms and conditions mutually acceptable to the City, such purchaser and the Concern) to such purchaser on a date not more than three years after the date of execution of such contract, or (II) any bond anticipation notes are issued pursuant to this ordinance.

*The requirement to issue Bonds during the period through January 28, 1982 set forth in this Section 9 shall pertain only to the original issuance of Bonds hereunder and shall not pertain to any subsequent issue of Bonds issued hereunder.*

*If any series of Bonds is issued under this Ordinance during the period through January 28, 1982, all remaining authority to issue Bonds contained in this Ordinance shall continue to be effective and shall not expire.*

*The term "Concern", as used in this ordinance, shall mean International Properties Group Limited Partnership, a Maryland limited partnership, consisting or to consist of International Properties Group, Ltd., a District of Columbia corporation, Bromley K. Smith, Jr., Irwin Nestler, Henry Lieberman, Richard S. Bromley, Hugh Cassidy and other individuals, corporations or entities to be named, or any combination of the foregoing, as general partners, as well as certain limited partners to be named.*

SEC. 2. *And be it further ordained, That this ordinance shall take effect from the date of its passage.*

Approved June 30, 1981.

WILLIAM DONALD SCHAEFER, *Mayor.*

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No. 381

(Council No. 717)

AN ORDINANCE concerning

REPEALING ORDINANCE 278, APPROVED  
APRIL 30, 1981

FOR the purpose of repealing Ordinance 278, approved April 30, 1981 concerning the registration of owners and agents of rental units.

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore, That Ordinance 278, approved April 30, 1981, be and the same is hereby repealed.*

SEC. 2. *And be it further ordained, That this ordinance shall take effect upon the date of its passage.*

Approved June 30, 1981.

WILLIAM DONALD SCHAEFER, *Mayor.*

## No. 382

(Council No. 718)

AN ORDINANCE concerning

HOUSING CODE—REGISTRATION  
OF OWNERS AND AGENTS

FOR the purpose of requiring an annual confidential registration of each rental unit in the City for a fee of \$10, and requiring the designation of an agent authorized to receive violation notices and court process, providing certain exceptions, and providing penalties.

BY adding

Article 13—Housing and Urban Renewal

Subtitle—Housing Code

Section 309

Baltimore City Code (1976 Edition, as amended)

WHEREAS, It is in the public interest to encourage registration of dwelling units and to prevent invasion of privacy of landlords by providing for the confidentiality of registration statements; now, therefore

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That Section(s) of the Baltimore City Code (1976 Edition, as amended) be added, repealed, or amended to read as follows:

## Article 13—Housing and Urban Renewal

## Housing Code

309. *Registration of Owners and Agents*

(a) *By September 1, 1981 and EACH SEPTEMBER 1 annually thereafter, every owner of a dwelling unit, whether occupied or vacant, shall file a registration statement with the commissioner for each unit for which he is receiving or is entitled to receive rent on a form to be provided by the Commissioner.*

(b) *For each dwelling unit there shall be an annual registration fee of \$10 with a maximum fee of ~~\$1000~~ \$2500 per owner of record to be paid at the time the owner files the*



annual registration statement. All owners whose dwelling units are licensed under the provisions of Chapter 11 of this code, and all eleemosynary, religious, educational, benevolent or charitable associations and all governmental agencies shall file a registration statement herein required but shall be exempt from the payment of the fee for the same.

(c) Any person becoming an owner of a rental unit shall file a registration statement on the date of the property transfer.

(d) The registration statement shall contain the following information:

(1) a description of the premises by street number or otherwise, in such manner as to enable the commissioner to find the same.

(2) the name and address of the owner of record and of the managing operator, and, in addition, if the owner or managing operator is a corporation, the name and address of the resident agent thereof.

(3) the name and business address of a natural person 18 years of age or older, who is customarily present in an office in the city for the purposes of transacting business, or who actually resides within the city, and who shall be designated by the owner as his authorized agent for receiving notices of violations pursuant to Section 301 of this code and for receiving court process on behalf of such owner in connection with the enforcement of ordinances relating to such unit. An owner who is a natural person and who meets the requirement of this subsection as to location of the residence or place of transacting business, may designate himself as agent.

The Commissioner must be notified within 10 days of any change in the designated managing operator or agent.

(e) The written registration statements required by this section shall be held as confidential records and shall not be open to the public.

(f) Any violation of the provisions of this section 309 shall be deemed a misdemeanor, and upon conviction therefor, any such person shall be punishable by a fine of up to

*\$300 for each day of violation. Any owner of a rental unit, subject to this section, who shall fail to file a registration statement as required by this section shall be liable for said penalty without notice, and the provisions of Section 301 of Chapter 3 of Article 13 shall not apply.*

SEC. 2. *And be it further ordained,* That the provisions of this ordinance are severable, and if any provision, sentence, clause, section or part hereof is held illegal, invalid or unconstitutional or inapplicable to any person or circumstances, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this ordinance or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this ordinance would have been passed if such illegal, invalid or unconstitutional provision, sentence, clause, section or part had not been included herein, and if the person or circumstances to which this ordinance or any part hereof are inapplicable had been specifically exempted herefrom.

SEC. 3. *And be it further ordained,* That this ordinance shall take effect July 1, 1981.

Approved June 30, 1981.

WILLIAM DONALD SCHAEFER, *Mayor.*

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No. 383

(Council No. 333)

AN ORDINANCE concerning

CITY STREET—OPENING CATHEDRAL STREET  
IN THE MOUNT ROYAL PLAZA URBAN  
RENEWAL PROJECT

FOR the purpose of condemning and opening Cathedral Street, varying in width, and extending from Chase Street, Northerly 225 feet, more or less, and lying within the area of the Mount Royal Plaza Urban Renewal

Project in accordance with a plat thereof numbered 338-A-7, prepared by the Surveys and Records Division and filed in the Office of the Department of Public Works, on the 19th day of June, in the year 1980.

BY authority of

Article I—General Provisions

Section—4

Article II—General Provisions

Sections—2, 34, 35

Baltimore City Charter (1964 Revision, as amended)

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That the Department of Public Works be, and they are hereby authorized and directed to condemn and open Cathedral Street, varying in width, and extending from Chase Street, Northerly 225 feet, more or less, and lying within the area of the Mount Royal Plaza Urban Renewal Project the street hereby directed to be condemned for said opening being described as follows:

Beginning for the same at the point formed by the intersection of the north side of Chase Street, as now laid out 66 feet wide, and the west side of Cathedral Street, as now laid out varying in width, and running thence binding on the west side of said Cathedral Street, North  $07^{\circ}-50'-28''$  West 222.61 feet; thence binding on a line drawn at right angles to the west side of said Cathedral Street, North  $82^{\circ}-09'-32''$  East 45 feet, more or less, to intersect the east side of said Cathedral Street; thence binding on the east side of said Cathedral Street, South  $13^{\circ}-23'-40''$  East 228 feet, more or less, to intersect the north side of said Chase Street and thence binding on the north side of said Chase Street, Westerly 67 feet, more or less, to the place of beginning.

the said Cathedral Street as directed to be condemned being more particularly described and referred to among the Land Records of Baltimore City and delineated and particularly shown on a plat numbered 338-A-7 which was filed in the Office of the Department of Public Works on the 19th day of June in the year 1980, and is now on file in said Office.

SEC. 2. *And be it further ordained*, That the proceedings of said Department of Public Works, with reference to the



condemnation and opening of said Cathedral Street and the proceedings and rights of all parties interested or affected thereby, shall be regulated by, and be in accordance with, any and all applicable provisions of Article 4 of the Code of Public Local Laws of Maryland and the Charter of Baltimore City (1964 Revision) as amended to July 1, 1973 and any and all amendments thereto, and any and all other Acts of the General Assembly of Maryland, and any and all ordinances of the Mayor and City Council of Baltimore, and any and all rules or regulations in effect which have been adopted by the Director of Public Works and filed with the Department of Legislative Reference.

SEC. 3. *And be it further ordained*, That this Ordinance shall take effect from the date of its passage.

Approved July 2, 1981.

WILLIAM DONALD SCHAEFER, *Mayor*.

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No. 384

(Council No. 334)

AN ORDINANCE concerning

CITY STREET—CLOSING OF A PORTION OF  
CATHEDRAL STREET IN THE MOUNT ROYAL  
PLAZA URBAN RENEWAL PROJECT

FOR the purpose of condemning and closing a portion of Cathedral Street, varying in width, and extending from Parkbiddle, Southerly 223 feet, more or less, to Chase Street and lying within the area of the Mount Royal Plaza Urban Renewal Project in accordance with a plat thereof numbered 338-A-7A, prepared by the Surveys and Records Division and filed in the Office of the Department of Public Works, on the 19th day of June, in the year 1980.

BY authority of

Article I—General Provisions

Section—4

Article II—General Provisions

Sections—2, 34, 35

Baltimore City Charter (1964 Revision, as amended)

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That the Department of Public Works be, and they are hereby authorized and directed to condemn and close a portion of Cathedral Street, varying in width, and extending from Parkbiddle, Southerly 223 feet, more or less, to Chase Street and lying within the area of the Mount Royal Plaza Urban Renewal Project the portion of street hereby directed to be condemned for said closing being described as follows:

Beginning for the same at the point formed by the intersection of the southeast side of Parkbiddle, as now laid out 100 feet wide, and the south side of Parkbiddle, as realigned varying in width, and running thence binding on the south side of last said Parkbiddle, North  $82^{\circ}-09'-32''$  East 5.64 feet to intersect the west side of Cathedral Street, as realigned varying in width; thence binding on the west side of said Cathedral Street, South  $13^{\circ}-24'-20''$  East 211.62 feet to the northwest side of said Cathedral Street; thence binding on the northwest side of said Cathedral Street, by a line curving to the right with a radius of 12.00 feet the distance of 21.05 feet which arc is subtended by a chord bearing South  $36^{\circ}-50'-20''$  West 18.45 feet to intersect the north side of Chase Street, as now laid out 66 feet wide; thence binding on the north side of said Chase Street, South  $87^{\circ}-05'-00''$  West 13.23 feet to intersect the west side of Cathedral Street, as now laid out varying in width and thence binding on the west side of last said Cathedral Street, North  $07^{\circ}-50'-28''$  West 222.61 feet to the place of beginning.

All courses and distances in the above description are referred to the true meridian as adopted by the Baltimore Survey Control System.

the said portion of Cathedral Street as directed to be condemned being more particularly described and referred to among the Land Records of Baltimore City and delineated

and particularly shown on a plat numbered 338-A-7A which was filed in the Office of the Department of Public Works on the 19th day of June, in the year 1980, and is now on file in said Office.

SEC. 2. *And be it further ordained*, That after said highway or highways shall have been closed under the provisions of this ordinance, all subsurface structures and appurtenances now owned by the Mayor and City Council of Baltimore, shall be and continue to be the property of the Mayor and City Council of Baltimore, in fee simple, until the use thereof shall be abandoned by the Mayor and City Council of Baltimore, and in the event that any person, firm or corporation shall desire to remove, alter or interfere therewith, such person, firm or corporation shall first obtain permission and permits therefor from the Mayor and City Council of Baltimore, and shall in the application for such permission and permits agree to pay all costs and charges of every kind and nature made necessary by such removal, alteration or interference.

SEC. 3. *And be it further ordained*, That no buildings or structures of any kind shall be constructed or erected in said portion of said highway or highways after the same shall have been closed under the provisions of this ordinance until the subsurface structures and appurtenances now owned by the Mayor and City Council of Baltimore, over which said buildings or structures are proposed to be constructed or erected shall have been abandoned or shall have been removed and relaid in accordance with the specifications and under the direction of the Director of Public Works of Baltimore City, and at the expense of the person or persons or body corporate desiring to erect such buildings or structures. Railroad tracks shall be taken to be "structures" within the meaning of this section.

SEC. 4. *And be it further ordained*, That after said highway or highways shall have been closed under the provisions of this ordinance, all subsurface structures and appurtenances owned by any person, firm or corporation, other than the Mayor and City Council of Baltimore, shall upon notice from the Director of Public Works of Balti-



more City, be promptly removed by and at the expense of the said owners.

SEC. 5. *And be it further ordained*, That on and after the closing of said highway or highways, the said Mayor and City Council of Baltimore, acting through its duly authorized representatives, shall, at all times, have access to said property and to all subsurface structures and appurtenances used by it therein, for the purposes of inspection, maintenance, repair, alteration, relocation and/or replacement, of any or all of said structures and appurtenances, and this without permission from or compensation to the owner or owners of said land.

SEC. 6. *And be it further ordained*, That the proceedings of said Department of Public Works with reference to the condemnation and closing of said portion of Cathedral Street and the proceedings and rights of all parties interested or affected thereby, shall be regulated by, and be in accordance with, any and all applicable provisions of Article 4 of the Code of Public Local Laws of Maryland and the Charter of Baltimore City (1964 Revision) as amended to July 1, 1973 and any and all amendments thereto, and any and all other Acts of the General Assembly of Maryland, and any and all ordinances of the Mayor and City Council of Baltimore, and any and all rules or regulations in effect which have been adopted by the Director of Public Works and filed with the Department of Legislative Reference.

SEC. 7. *And be it further ordained*, That this ordinance shall take effect from the date of its passage.

Approved July 2, 1981.

WILLIAM DONALD SCHAEFER, *Mayor*.

**No. 385****(Council No. 356)****AN ORDINANCE concerning****CITY STREET—OPENING CERTAIN STREETS  
AND ALLEYS OR PORTIONS THEREOF  
IN THE MOUNT CLARE URBAN  
RENEWAL PROJECT**

FOR the purpose of condemning and opening certain streets and alleys or portions thereof lying within the area of the Mount Clare Urban Renewal Project in accordance with a plat thereof numbered 329-A-14, prepared by the Surveys and Records Division and filed in the Office of the Department of Public Works, on the Twenty-fourth (24th) day of July, 1980.

BY authority of

Article I—General Provisions

Section—4

Article II—General Provisions

Sections—2, 34, 35

Baltimore City Charter (1964 Revision, as amended)

**SECTION 1.** *Be it ordained by the Mayor and City Council of Baltimore,* That the Department of Public Works be, and they are hereby authorized and directed to condemn and open certain streets and alleys or portions thereof lying within the area of the Mount Clare Urban Renewal Project the streets and alleys hereby directed to be condemned for said opening being described as follows:

Beginning for Parcel No. 1 at the point formed by the intersection of the south side of Lombard Street, as now laid out 66 feet wide and the west side of Amity Street, as now laid out 20 feet wide, and running thence binding on the south side of said Lombard Street, Easterly 20 feet, more or less, to the east side of said Amity Street; thence binding on the east side of said Amity Street, Southerly 132.5 feet, more or less, to the north side of Lemmon Street, as now laid out 30 feet wide; thence binding on the north side of said Lemmon Street, Westerly 20 feet, more or less, to the west side of said Amity Street

and thence binding on the west side of said Amity Street, Northerly 132.5 feet, more or less, to the place of beginning.

Beginning for Parcel No. 2 at the point formed by the intersection of the west side of Amity Street, as now laid out 20 feet wide, and the north side of a 4 foot alley laid out 65 feet south of Lombard Street, as now laid out 66 feet wide, and running thence binding on the west side of said Amity Street, Southerly 4 feet to the south side of said 4 foot alley; thence binding on the south side of said 4 foot alley, Westerly 40 feet, more or less, to the line of the west outline of the property known as No. 925 Lombard Street, if projected southerly; thence binding reversely on said line so projected, Northerly 4 feet to the north side of said 4 foot alley and thence binding on the north side of said 4 foot alley, Easterly 40 feet, more or less, to the place of beginning.

Beginning for Parcel No. 3 at the point formed by the intersection of the south side of Lemmon Street, as now laid out 30 feet wide, and the west side of Amity Street, as now laid out 20 feet wide, and running thence binding on the south side of said Lemmon Street, Easterly 20 feet, more or less, to the east side of said Amity Street; thence binding on the east side of said Amity Street, Southerly 51 feet, more or less, to the line of the north side of a 5 foot alley laid out 51 feet south of Lombard Street, if projected easterly; thence binding reversely on said line so projected, Westerly 20 feet, more or less, to the west side of said Amity Street and thence binding on the west side of said Amity Street, Northerly 51 feet, more or less, to the place of beginning.

Beginning for Parcel No. 4 at the point formed by the intersection of the west side of Amity Street, as now laid out 20 feet wide, and the north side of a 5 foot alley laid out 51 feet south of Lemmon Street and running thence binding on the west side of said Amity Street, Southerly 5 feet to the south side of said 5 foot alley; thence binding on the south side of said 5 foot alley, Westerly 54 feet, more or less, to the line of the west outline of the property known as No. 922 Pratt Street, if projected northerly; thence binding on said line so projected, Northerly 5 feet to the north side of said 5 foot alley and thence binding



on the north side of said 5 foot alley, Easterly 54 feet, more or less, to the place of beginning.

the said streets and alleys as directed to be condemned being more particularly described and referred to among the Land Records of Baltimore City and delineated and particularly shown on a plat numbered 329-A-14 which was filed in the Office of the Department of Public Works on the Twenty-fourth (24th) day of July in the year 1980, and is now on file in said Office.

SEC. 2. *And be it further ordained*, That the proceedings of said Department of Public Works, with reference to the condemnation and opening of said streets and alleys and the proceedings and rights of all parties interested or affected thereby, shall be regulated by, and be in accordance with, any and all applicable provisions of Article 4 of the Code of Public Local Laws of Maryland and the Charter of Baltimore City (1964 Revision) as amended to July 1, 1973 and any and all amendments thereto, and any and all other Acts of the General Assembly of Maryland, and any and all ordinances of the Mayor and City Council of Baltimore, and any and all rules or regulations in effect which have been adopted by the Director of Public Works and filed with the Department of Legislative Reference.

SEC. 3. *And be it further ordained*, That this Ordinance shall take effect from the date of its passage.

Approved July 2, 1981.

WILLIAM DONALD SCHAEFER, *Mayor*.

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No. 386

(Council No. 357)

AN ORDINANCE concerning

CITY STREET—CLOSING CERTAIN STREETS  
AND ALLEYS OR PORTIONS THEREOF  
IN THE MOUNT CLARE URBAN  
RENEWAL PROJECT

FOR the purpose of condemning and closing certain streets and alleys or portions thereof lying within the area of the Mount Clare Urban Renewal Project in accordance with a plat thereof numbered 329-A-14A, prepared by the Surveys and Records Division and filed in the Office of the Department of Public Works, on the Twenty-fourth (24th) day of July, 1980.

BY authority of

Article I—General Provisions

Section—4

Article II—General Provisions

Sections—2, 34, 35

Baltimore City Charter (1964 Revision, as amended)

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That the Department of Public Works be, and they are hereby authorized and directed to condemn and close certain streets and alleys or portions thereof lying within the area of the Mount Clare Urban Renewal Project the streets and alleys hereby directed to be condemned for said closing being described as follows:

Beginning for Parcel No. 1 at the point formed by the intersection of the south side of Lombard Street, as now laid out 66 feet wide and the west side of Amity Street, as now laid out 20 feet wide, and running thence binding on the south side of said Lombard Street, Easterly 20 feet, more or less, to the east side of said Amity Street; thence binding on the east side of said Amity Street, Southerly 132.5 feet, more or less, to the north side of Lemmon Street, as now laid out 30 feet wide; thence binding on the north side of said Lemmon Street, Westerly 20 feet, more or less, to the west side of said Amity Street and thence binding on the west side of said Amity Street, Northerly 132.5 feet, more or less, to the place of beginning.

Beginning for Parcel No. 2 at the point formed by the intersection of the west side of Amity Street, as now laid out 20 feet wide, and the north side of a 4 foot alley laid out 65 feet south of Lombard Street, as now laid out 66 feet wide, and running thence binding on the west side of said Amity Street, Southerly 4 feet to the south side of said 4 foot alley; thence binding on the south side of said 4 foot alley, Westerly 40 feet, more or less, to the line of

the west outline of the property known as No. 925 Lombard Street, if projected southerly; thence binding reversely on said line so projected, Northerly 4 feet to the north side of said 4 foot alley and thence binding on the north side of said 4 foot alley, Easterly 40 feet, more or less, to the place of beginning.

Beginning for Parcel No. 3 at the point formed by the intersection of the south side of Lemmon Street, as now laid out 30 feet wide, and the west side of Amity Street, as now laid out 20 feet wide, and running thence binding on the south side of said Lemmon Street, Easterly 20 feet, more or less, to the east side of said Amity Street; thence binding on the east side of said Amity Street, Southerly 51 feet, more or less, to the line of the north side of a 5 foot alley laid out 51 feet south of Lombard Street, if projected easterly; thence binding reversely on said line so projected, Westerly 20 feet, more or less, to the west side of said Amity Street and thence binding on the west side of said Amity Street, Northerly 51 feet, more or less, to the place of beginning.

Beginning for Parcel No. 4 at the point formed by the intersection of the west side of Amity Street, as now laid out 20 feet wide, and the north side of a 5 foot alley laid out 51 feet south of Lemmon Street and running thence binding on the west side of said Amity Street, Southerly 5 feet to the south side of said 5 foot alley; thence binding on the south side of said 5 foot alley, Westerly 54 feet, more or less, to the line of the west outline of the property known as No. 922 Pratt Street, if projected northerly; thence binding on said line so projected, Northerly 5 feet to the north side of said 5 foot alley and thence binding on the north side of said 5 foot alley, Easterly 54 feet, more or less, to the place of beginning.

the said streets and alleys as directed to be condemned being more particularly described and referred to among the Land Records of Baltimore City and delineated and particularly shown on a plat numbered 329-A-14A which was filed in the Office of the Department of Public Works on the Twenty-fourth (24th) day of July, in the year 1980, and is now on file in said Office.



SEC. 2. *And be it further ordained*, That after said highway or highways shall have been closed under the provisions of this ordinance, all subsurface structures and appurtenances now owned by the Mayor and City Council of Baltimore, shall be and continue to be the property of the Mayor and City Council of Baltimore, in fee simple, until the use thereof shall be abandoned by the Mayor and City Council of Baltimore, and in the event that any person, firm or corporation shall desire to remove, alter or interfere therewith, such person, firm or corporation shall first obtain permission and permits therefor from the Mayor and City Council of Baltimore, and shall in the application for such permission and permits agree to pay all costs and charges of every kind and nature made necessary by such removal, alteration or interference.

SEC. 3. *And be it further ordained*, That no buildings or structures of any kind shall be constructed or erected in said portion of said highway or highways after the same shall have been closed under the provisions of this ordinance until the subsurface structures and appurtenances now owned by the Mayor and City Council of Baltimore, over which said buildings or structures are proposed to be constructed or erected shall have been abandoned or shall have been removed and relaid in accordance with the specifications and under the direction of the Director of Public Works of Baltimore City, and at the expense of the person or persons or body corporate desiring to erect such buildings or structures. Railroad tracks shall be taken to be "structures" within the meaning of this section.

SEC. 4. *And be it further ordained*, That after said highway or highways shall have been closed under the provisions of this ordinance, all subsurface structures and appurtenances owned by any person, firm or corporation, other than the Mayor and City Council of Baltimore, shall upon notice from the Director of Public Works of Baltimore City, be promptly removed by and at the expense of the said owners.

SEC. 5. *And be it further ordained*, That on and after the closing of said highway or highways, the said Mayor and City Council of Baltimore, acting through its duly

authorized representatives, shall, at all times, have access to said property and to all subsurface structures and appurtenances used by it therein, for the purposes of inspection, maintenance, repair, alteration, relocation and/or replacement, of any or all of said structures and appurtenances, and this without permission from or compensation to the owner or owners of said land.

SEC. 6. *And be it further ordained*, That the proceedings of said Department of Public Works with reference to the condemnation and closing of said streets and alleys and the proceedings and rights of all parties interested or affected thereby, shall be regulated by, and be in accordance with, any and all applicable provisions of Article 4 of the Code of Public Local Laws of Maryland and the Charter of Baltimore City (1964 Revision) as amended to July 1, 1973 and any and all amendments thereto, and any and all other Acts of the General Assembly of Maryland, and any and all ordinances of the Mayor and City Council of Baltimore, and any and all rules or regulations in effect which have been adopted by the Director of Public Works and filed with the Department of Legislative Reference.

SEC. 7. *And be it further ordained*, That this Ordinance shall take effect from the date of its passage.

Approved July 2, 1981.

WILLIAM DONALD SCHAEFER, *Mayor*.

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No. 387

(Council No. 480)

AN ORDINANCE concerning

PARKING—RESERVED

FOR the purpose of providing for reserved parking on the ~~east~~ WEST side of St. Paul Street (Lower Level) ~~between Dark Lane and~~ NORTH OF Lexington Street for the Sheriff's office.

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That on the east WEST side of St. Paul Street (Lower Level) ~~between Dark Lane and Lexington Street~~ FROM A POINT 43 FEET NORTH OF LEXINGTON STREET TO A POINT 106 FEET NORTH OF LEXINGTON STREET, parking is reserved between the hours of 8 a.m. and 6 p.m. for vehicles belonging to or operated by employees of the Sheriff's Office of Baltimore City AND EXHIBITING A PERMIT.

SEC. 2. *And be it further ordained*, That this ordinance shall take effect on the date of its passage.

Approved July 2, 1981.

WILLIAM DONALD SCHAEFER, *Mayor*.

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No. 388

(Council No. 502)

AN ORDINANCE concerning

PARKING METER RATES

FOR the purpose of increasing parking meter charges.

~~BY~~ repealing

Article 31—Transit and Traffic

Subtitle—Parking Meters

Section 136(a)

Baltimore City Code (1976 Edition, as amended)

~~BY~~ amending

Article 31—Transit and Traffic

Subtitle—Parking Meters

Sections 136(b) - 136(e) 136(F)

Baltimore City Code (1976 Edition, as amended)

BY REPEALING AND REORDAINING WITH  
AMENDMENTS

ARTICLE 31—TRANSIT AND TRAFFIC

SUBTITLE—PARKING METERS



SECTION 136  
BALTIMORE CITY CODE (1976 EDITION, AS  
AMENDED)

Whereas, It is the intention of the City Council that the additional revenue which will result from these increases in parking meter charges is to PROCEEDS FROM AN INCREASE IN PARKING METER CHARGES AT THE RATE OF FORTY CENTS (\$.40) PER HOUR IN THE ANTIQUE ROW METER AREA AND AT THE RATE OF TWENTY CENTS (\$.20) PER HOUR IN THE MARKET PLACE AND INNER HARBOR WEST METER AREAS be used for the operation of a non-profit cooperative housing program TO BE ESTABLISHED under the Department of Housing and Community Development; now, therefore, AND

WHEREAS, IT IS THE EXPECTATION OF THE CITY COUNCIL THAT THE BOARD OF ESTIMATES WILL RECOMMEND APPROPRIATION OF THESE ADDITIONAL REVENUES DURING FISCAL 1982 BY MEANS OF A SUPPLEMENTAL APPROPRIATION TO THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT; AND

WHEREAS, IT IS ALSO THE INTENT OF THE CITY COUNCIL THAT AN INCREASE IN PARKING METER CHARGES AT THE RATE OF FORTY CENTS (\$.40) PER HOUR IN THE ANTIQUE ROW METER AREA AND AT THE RATE OF TWENTY CENTS (\$.20) PER HOUR IN THE MARKET PLACE AND INNER HARBOR WEST METER AREAS PROVIDED BY THIS ORDINANCE SHALL NOT TAKE EFFECT IN THE ABSENCE OF AN APPROPRIATION OF THESE ADDITIONAL REVENUES TO THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT; NOW, THEREFORE:

Section 1. *Be it ordained by the Mayor and City Council of Baltimore*, That Section 136(a) of Article 31 of the Baltimore City Code (1976 Edition, as amended), title "Transit and Traffic", subtitle "Parking Meters" be and it is hereby repealed and that Sections 136(b) through 136(e) 136(F) of the same article and title, be and they

are hereby repealed and reordained with amendments, all to read as follows:

SECTION 1. *BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE*, THAT SECTION(S) OF THE BALTIMORE CITY CODE (1976 EDITION, AS AMENDED) BE ADDED, REPEALED, OR AMENDED, TO READ AS FOLLOWS:

ARTICLE 31—  
TRANSIT AND TRAFFIC  
PARKING METERS

136. Times.

[(a) 10 hours. Ten hour limit parking meters for ordinary parking in Sam Smith Park and other special parking areas shall be operated so that the charge shall be five cents in United States coin, said five cents to cover the first ½ hour or fraction thereof of legal parking; and for every additional ½ hour or fraction thereof an additional charge of five cents in United States coin shall be made.

However, within Sam Smith Park and other special parking areas, notwithstanding the above charges, a charge of twenty-five cents shall cover 3½ hours of legal parking, provided that said twenty-five cents is deposited in the meter in the form of the United States coin known as a quarter or twenty-five cent piece.]

[(b)] (a) Any other section or subsections of this Article notwithstanding, the Commissioner of Transit and Traffic is hereby authorized and directed to determine rates for the operation of meters on any parking meter lots temporarily or permanently under the control of the City of Baltimore.

[(c)] (b) Within the following boundaries, the meter rate shall be [five] ~~fifteen~~ TEN cents for each [7½] ~~15~~ 10 minutes of parking or fraction thereof:

Starting at the intersection of Madison Street and Eutaw Street, easterly on Madison Street to Guilford Avenue, thence southerly on Guilford Avenue to Bath Street, thence easterly on Bath Street to Holliday Street, thence south-

erly on Holliday Street to Saratoga Street, thence easterly on Saratoga Street to Gay Street, thence southerly on Gay Street to Lombard Street, thence westerly on Lombard Street to Greene Street, thence northerly on Greene Street to Franklin Street, thence easterly on Franklin Street to Eutaw Street, thence northerly on Eutaw Street to the intersection of Madison Street and Eutaw Street. All boundary streets shall be included in the aforesaid rate.

#### INNER HARBOR WEST AREA

STARTING AT THE INTERSECTION OF LOMBARD STREET AND GREENE STREET SOUTHERLY ON GREENE STREET TO CAMDEN STREET, EASTERLY ON CAMDEN STREET TO SHARP STREET, SOUTHERLY ON SHARP STREET TO LEE STREET, EASTERLY ON LEE STREET TO LIGHT STREET, NORTHERLY ON LIGHT STREET TO PRATT STREET, EASTERLY ON PRATT STREET TO NORTHERLY ON GAY STREET TO LOMBARD STREET. ALL BOUNDARY STREETS SHALL BE INCLUDED IN THE AFORESAID RATE WITH THE EXCEPTION OF LOMBARD STREET.

[(d)] (c) Within the following boundaries, the meter rate shall be [five] *ten* cents for each ~~fifteen~~ TEN minutes of parking or fraction thereof:

#### MARKET PLACE AREA

STARTING AT THE INTERSECTION OF GAY STREET AND PRATT STREET EASTERLY ON PRATT STREET TO WEST FALLS AVENUE, NORTHERLY ON WEST FALLS AVENUE TO BALTIMORE STREET, WESTERLY ON BALTIMORE STREET TO GAY STREET. ALL BOUNDARY STREETS SHALL BE INCLUDED IN THE AFORESAID RATE WITH THE EXCEPTION OF GAY STREET.

(D) WITHIN THE FOLLOWING BOUNDARIES, THE METER RATE SHALL BE TEN CENTS FOR EACH TEN MINUTES OF PARKING OR FRACTION THEREOF:



**RETAIL CENTRAL BUSINESS DISTRICT AREA**

STARTING AT THE INTERSECTION OF LOMBARD STREET AND GREENE STREET EASTERLY ON LOMBARD STREET TO GAY STREET, NORTHERLY ON GAY STREET TO SARATOGA STREET, WESTERLY ON SARATOGA STREET TO HOLLIDAY STREET, NORTHERLY ON HOLLIDAY STREET TO BATH STREET, WESTERLY ON BATH STREET TO GUILFORD AVENUE, NORTHERLY ON GUILFORD AVENUE TO MADISON STREET, WESTERLY ON MADISON STREET TO EUTAW STREET, SOUTHERLY ON EUTAW STREET TO FRANKLIN STREET, WESTERLY ON FRANKLIN STREET TO GREENE STREET, SOUTHERLY ON GREENE STREET TO LOMBARD STREET. ALL BOUNDARY STREETS SHALL BE INCLUDED IN THE AFORESAID RATE WITH THE EXCEPTION OF MADISON STREET.

(E) WITHIN THE FOLLOWING BOUNDARIES, THE METER RATE SHALL BE TEN CENTS FOR EACH TEN MINUTES OF PARKING OR FRACTION THEREOF:

**ANTIQUE ROW AREA**

STARTING AT THE INTERSECTION OF HOWARD STREET AND MADISON STREET NORTHERLY ON HOWARD STREET TO READ STREET. ALL BOUNDARY STREETS SHALL BE INCLUDED IN THE AFORESAID RATE.

(F) WITHIN THE FOLLOWING BOUNDARIES, THE METER RATE SHALL BE FIVE CENTS FOR EACH FIFTEEN MINUTES OF PARKING OR FRACTION THEREOF:

**NORTHERN AREA**

STARTING AT THE INTERSECTION OF EUTAW STREET AND MADISON STREET EASTERLY ON MADISON STREET TO GUILFORD AVENUE, NORTHERLY ON GUILFORD AVENUE TO CHASE STREET, WESTERLY ON CHASE STREET TO HOWARD STREET, SOUTHERLY ON HOWARD STREET TO READ STREET, SOUTHEASTERLY ON READ

STREET TO PARK AVENUE, SOUTHERLY ON PARK AVENUE TO MADISON STREET. ALL BOUNDARY STREETS SHALL BE INCLUDED IN THE AFORESAID RATE.

[(E)] (G) WITHIN THE FOLLOWING BOUNDARIES, THE METER RATE SHALL BE FIVE CENTS FOR EACH  $\frac{1}{2}$  HOUR OF PARKING OR FRACTION THEREOF:

ALL STREETS OUTSIDE OF THE BOUNDARIES OF AND NOT INCLUDING THOSE SET FORTH IN SUBSECTIONS [(A)] (B), (C), (D), (E) AND (F) OF THIS SECTION.

[(F)] (H) NOTWITHSTANDING THE PROVISIONS HEREINABOVE IN THIS SECTION AND ELSEWHERE IN THIS SUBTITLE, THE COMMISSIONER OF TRAFFIC AND TRANSIT, WITH THE APPROVAL OF THE BOARD OF ESTIMATES, MAY CHANGE FROM TIME TO TIME THE RATES AND CHARGES SPECIFIED HEREINABOVE FOR THE USE OF PARKING METERS.

[(G)] NOTWITHSTANDING ANY OTHER PROVISIONS OF THIS SUBTITLE, THE FEE FOR THE USE OF ALL PARKING METERS AT THE FOLLOWING LOCATIONS SHALL BE AT THE RATE OF FIVE CENTS (5¢) PER HOUR:

(1) ON ENSOR STREET, ALONG THE TRIANGULAR ISLAND AT THE INTERSECTION OF ENSOR STREET, FORREST STREET, AND HILLEN STREET.

(2) ON THE WEST SIDE OF ENSOR STREET BETWEEN COLVIN STREET AND FORREST STREET.

(3) ON THE EAST SIDE OF ENSOR STREET BETWEEN COLVIN STREET AND MONUMENT STREET.]

(1) Northern Area

Starting at the intersection of Cathedral Street and Chase Street, easterly on Chase Street to Guilford Avenue, thence southerly on Guilford Avenue to Madison Street, thence westerly on Madison Street to Cathedral Street,

thence northerly on Cathedral Street to the intersection of Cathedral Street and Chase Street. All boundary streets shall be included in the aforesaid rate with the exception of Madison Street.

(2) Southern Area

Starting at the intersection of Lombard Street and Greene Street, easterly on Lombard Street to Gay Street, thence southerly on Gay Street to Pratt Street, thence westerly on Pratt Street to Greene Street, thence northerly on Greene Street to the intersection of Lombard Street and Greene Street. All boundary streets shall be included in the aforesaid rate with the exception of Lombard Street.

[(c)] (d) Within the following boundaries, the meter rate shall be [five] *twenty* cents for each  $1\frac{1}{2}$  hour of parking or fraction thereof:

All streets outside of the boundaries of and not including those set forth in subsections (b) and (c) of this section.

SEC. 2. AND BE IT FURTHER ORDAINED, THAT THE DIRECTOR OF FINANCE SHALL CERTIFY TO THE BOARD OF ESTIMATES THE AMOUNT OF ADDITIONAL REVENUES ESTIMATED TO BE RAISED IN THE 1982 FISCAL YEAR FROM AN INCREASE IN PARKING METER CHARGES AT THE RATE OF FORTY CENTS (\$.40) PER HOUR IN THE ANTIQUE ROW METER AREA AND AT THE RATE OF TWENTY CENTS (\$.20) PER HOUR IN THE MARKET PLACE AND INNER HARBOR WEST METER AREAS.

Sec. 2 SEC. 3 2. And be it further ordained, That this ordinance shall take effect July 1, 1981.

Approved July 2, 1981.

WILLIAM DONALD SCHAEFER, *Mayor*.



## No. 389

(Council No. 541)

## AN ORDINANCE concerning

REZONING—ORLEANS SQUARE URBAN  
DEVELOPMENT ACTION GRANT PROJECTFOR the purpose of changing the zoning of the following  
properties:

- (1) 200 through 206 N. Montford Avenue from the R-8 to the ~~B-3-2~~ B-2-2 Zoning District as outlined in red on the AMENDED plat accompanying this ordinance; ~~and~~
- (2) that portion of Lot 92, Block 1689 which lies to the rear of 201 and 203 N. Patterson Park Avenue from the B-1-2 to the ~~B-3-2~~ B-2-2 Zoning District as outlined in blue on the AMENDED plat accompanying this ordinance; AND
- (3) 202/26 THROUGH 238/40 N. BRADFORD STREET, 238/46 N. MONTFORD AVENUE, 2323/31 ORLEANS STREET, 211/17 N. PATTERSON PARK AVENUE, AND THAT PORTION OF LOT 92, BLOCK 1689 WHICH LIES TO THE REAR OF 205 THROUGH 209 N. PATTERSON PARK AVENUE FROM THE B-3-2 TO THE B-2-2 ZONING DISTRICT AS OUTLINED IN GREEN ON THE AMENDED PLAT ACCOMPANYING THIS ORDINANCE.

BY amending Zoning District Maps

Sheet No. 57

Article 30—Zoning

Baltimore City Code (1976 Edition, as amended)

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That Sheet No. 57 of the Zoning District Maps of Article 30 of the Baltimore City Code (1976 Edition, as amended) titled "Zoning" be and it is hereby amended by changing the zoning of the following properties:

- (1) 200 through 206 N. Montford Avenue from the R-8 to the ~~B-3-2~~ B-2-2 Zoning District as outlined in

red on the AMENDED plat accompanying this ordinance; and

- (2) that portion of Lot 92, Block 1689 which lies to the rear of 201 and 203 N. Patterson Park Avenue from the B-1-2 to the ~~B-3-2~~ B-2-2 Zoning District as outlined in blue on the AMENDED plat accompanying this ordinance; AND
- (3) 202/26 THROUGH 238/40 N. BRADFORD STREET, 238/46 N. MONTFORD AVENUE, 2323/31 ORLEANS STREET, 211/17 N. PATTERSON PARK AVENUE, AND THAT PORTION OF LOT 92, BLOCK 1689 WHICH LIES TO THE REAR OF 205 THROUGH 209 N. PATTERSON PARK AVENUE FROM THE B-3-2 TO THE B-2-2 ZONING DISTRICT AS OUTLINED IN GREEN ON THE AMENDED PLAT ACCOMPANYING THIS ORDINANCE.

SEC. 2. *And be it further ordained*, That upon passage of this ordinance by the City Council, as evidence of the authenticity of the AMENDED plat which is a part hereof and in order to give notice to the departments which are administering the Zoning Ordinance, the President of the City Council shall sign the AMENDED plat and when the Mayor approves the ordinance, he shall sign the AMENDED plat. The Director of Finance shall then transmit a copy of the ordinance and one of the AMENDED plats to the following: the Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of the Department of Housing and Community Development, and the Zoning Administrator.

SEC. 3. *And be it further ordained*, That this ordinance shall take effect on the date of its passage.

Approved July 2, 1981.

WILLIAM DONALD SCHAEFER, *Mayor*.

## No. 390

(Council No. 550)

AN ORDINANCE concerning

## REZONING—730-34 S. HANOVER STREET

FOR the purpose of changing the zoning for the properties located at 730-34 South Hanover Street from the R-8 Zoning District to the ~~R-10~~ R-9 Zoning District as outlined in red on the AMENDED plats accompanying this ordinance.

BY amending

Zoning District Maps

~~Sheet No. 65~~ SHEETS NO. 65 AND 66

Article 30—Zoning

Baltimore City Code (1976 Edition, as amended)

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That ~~Sheet No. 65~~ SHEETS NO. 65 AND 66 of the Zoning District Maps of Article 30 of the Baltimore City Code (1976 Edition, as amended) title "Zoning" be and it is hereby amended by changing from the R-8 Zoning District to the ~~R-10~~ R-9 Zoning District the properties located at 730-34 South Hanover Street as outlined in red on the AMENDED plats accompanying this ordinance.

SEC. 2. *And be it further ordained*, That upon passage of this ordinance by the City Council, as evidence of the authenticity of the AMENDED plat which is a part hereof and in order to give notice to the departments which are administering the Zoning Ordinance, the President of the City Council shall sign the AMENDED plat and when the Mayor approves the ordinance, he shall sign the AMENDED plat. The Director of Finance shall then transmit a copy of the ordinance and one of the AMENDED plats to the following: the Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of the Department of Housing and Community Development, and the Zoning Administrator.

SEC. 3. *And be it further ordained*, That this ordinance shall take effect thirty days from the date of its passage.

Approved July 2, 1981.

WILLIAM DONALD SCHAEFER, *Mayor*.



No. 391

(Council No. 569)

AN ORDINANCE concerning

## PARKING—RESERVED

FOR the purpose of providing for reserved parking on the south side of Fayette Street near Frederick Street for Constables.

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That on the south side of Fayette Street, from Frederick Street to a point 73 feet west of Frederick Street, parking is reserved for constables' vehicles displaying permits.

SEC. 2. *And be it further ordained*, That this ordinance shall take effect on the date of its passage.

Approved July 2, 1981.

WILLIAM DONALD SCHAEFER, *Mayor*.

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No. 392

(Council No. 579)

AN ORDINANCE concerning

URBAN RENEWAL—REISTERSTOWN PLAZA  
TRANSIT STATION AREA—URBAN  
RENEWAL PLAN

FOR the purpose of approving the Urban Renewal Plan for an area situate in Baltimore City, Maryland, known as the Reisterstown Road Plaza Transit Station Urban Renewal Area, bounded generally by Northern Parkway on the south and east, Reisterstown Road on the north, and Brookhill Road and the Western City Line on the west, to among other things, (1) changing the name of this Transit Station Urban Renewal Area from "Reisters-

town Road Plaza" to "Reisterstown Plaza"; (2) revising the boundary description to correct certain technical errors; (3) adding, deleting and/or revising the objectives to be met in implementing the Plan; (4) revising the provisions regarding review by the Department of Housing and Community Development of all plans for new construction, exterior rehabilitation, demolition and change in use of property in the Reisterstown Plaza Transit Station Urban Renewal Area; (5) establishing permitted land uses; (6) authorizing the acquisition by purchase or by condemnation by Mayor and City Council of Baltimore, for urban renewal purposes of the fee simple interest or any lesser interest in and to certain properties within the Reisterstown Plaza Transit Station Urban Renewal Area; (7) providing that in selling land in the Reisterstown Plaza Transit Station Urban Renewal Area, the Department of Housing and Community Development shall require that developers agree in writing not to discriminate in the sale, lease, use or occupancy of the property developed by them against any person because of race, color, sex, religion or national origin; (8) providing that the cleaning of masonry facades by means of sandblasting shall not be permitted and providing a penalty for any violation of this standard; (9) providing that the approval of said Renewal Plan is not an enactment of such amendments to the Zoning Ordinance as are proposed in the Renewal Plan; (10) waiving such requirements, if any, as to content or procedure for the preparation, adoption and approval of Renewal Plans as set forth in Section 25 of Article 13 of the Baltimore City Code (1976 Edition, as amended) which the Renewal Plan for the Reisterstown Plaza Transit Station Urban Renewal Area may not meet; (11) providing for the separability of the various parts and applications of this ordinance; (12) providing that where the provisions of this ordinance shall conflict with any other ordinance, code or regulation, the provision which establishes the higher standard shall prevail; and (13) providing for the effective date hereof.

WHEREAS, the area known as "Reisterstown Road Plaza Transit Station Urban Renewal Area", was desig-

nated a "Renewal Area" by Ordinance No. 382, approved June 28, 1977; and

WHEREAS, it is necessary and desirable that the name of this Urban Renewal Area be changed from "Reisters-town Road Plaza" to "Reisterstown Plaza" in order to eliminate a source of confusion regarding its boundaries; and

WHEREAS, under Article 13 of the Baltimore City Code (1976 Edition, as amended), the Department of Housing and Community Development is authorized to prepare and administer renewal plans in renewal areas; and

WHEREAS, the Department of Housing and Community Development has prepared a Renewal Plan for the Reisterstown Plaza Transit Station Area, consisting of a cover page, a table of contents, 16 pages of text, and 4 exhibits; and

WHEREAS, the Renewal Plan for the Reisterstown Plaza Transit Station Area was approved by the Director of the Department of Planning with respect to its conformity as to the Master Plan; the detailed location of any public improvements proposed in the Renewal Plan; its conformity to the rules and regulations for subdivisions, and all zoning changes proposed in the Renewal Plan, and the Renewal Plan was approved and recommended to the Mayor and City Council of Baltimore by the Commissioner of the Department of Housing and Community Development; now, therefore,

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That the name of the "Reisterstown Road Plaza Transit Station Urban Renewal Area", bounded generally by Northern Parkway on the south and east, Reisterstown Road on the north, and Brookhill Road and the Western City Line on the west as more specifically described in Ordinance No. 382, approved June 28, 1977, shall be known as the "Reisterstown Plaza Transit Station Urban Renewal Area".

SEC. 2. *And be it further ordained*, That the Urban Renewal Plan, identified as "Urban Renewal Plan Reisters-town Plaza Transit Station Urban Renewal Area" . . .



January 5, 1981 AND FURTHER REVISED JUNE 8, 1981, is hereby approved and the Clerk of the City Council is hereby directed to file a copy of said Renewal Plan with the Department of Legislative Reference as a permanent public record and to make the same available for public inspection and information.

SEC. 3. *And be it further ordained*, That the boundary description of the Reisterstown Plaza Transit Station Urban Renewal Area shall be revised to correct certain technical errors: therefore, Section 2 of Ordinance No. 382, approved June 28, 1977 is hereby amended to read as follows:

Beginning for the same at the intersection formed by the Western Baltimore City Boundary Line and the northwestern right-of-way line of Brookhill Road; thence running in a southerly direction, binding on said Baltimore City Boundary Line, to a point of intersection with the center line of Liberty Heights Avenue; thence running in a southeasterly direction, binding on the center line of said Liberty Heights Avenue, to a point of intersection with the center line of Northern Parkway; thence running in a northerly and northeasterly direction, binding on the center line of said Northern Parkway, crossing Wabash Avenue, the Western Maryland Railway and Reisterstown Road, and continuing to a point of intersection with an extended straight line of the northeastern boundary of Lot 1/18, Block 4426-B;

thence running in a northwesterly direction, binding on the northeastern boundary of said Lot 1/18, to a point of intersection with the northwestern boundary of Lot 1/18; thence running in a southwesterly direction, binding on the northwestern boundary of said Lot 1/18, to a point of intersection with the northeastern boundary of Lot 19/25, Block 4426-B; thence running in a northwesterly direction binding on the northeastern boundary of said Lot 19/25, crossing Mortimer Avenue, to a point of intersection with the northwestern right-of-way line of said Mortimer Avenue; thence running in a southwesterly direction, binding on the northwestern boundary with the line forming the northeastern boundary of Lots 1 and 53/54, Block 4421; thence running in a northwesterly direction, binding on

the northeastern boundary of said Lots 1 and 53/54, to a point of intersection with the southeastern boundary of Lot 55, Block 4421;

thence running in a northeasterly direction, binding on the southeastern boundary of said Lot 55, to a point of intersection with the southwestern boundary of Lot 94, Block 4421; thence running in a northwesterly direction, binding on the southwestern boundary of said Lot 94, crossing Emmart Avenue, continuing on the line forming the northeastern boundary of Lots 61/69, 70, 71 and 72, Block 4421, crossing Primrose Avenue and continuing on the line forming the northeastern boundary of Lots 1, 2 and 2A/2B, Block 4421-B, to a point of intersection with the northwestern boundary of said Lot 2A/2B; thence running in a southwesterly direction, binding on the northwestern boundary of said Lot 2A/2B, to a point of intersection with the northeastern boundary of Lot 2C, Block 4421-B; thence running in a northwesterly direction, binding on the northeastern boundary of said Lot 2C, crossing Glen Avenue, to a point of intersection with the northwestern right-of-way line of said Glen Avenue; thence running in a northeasterly direction, binding on the northwestern right-of-way line of said Glen Avenue to a point of intersection with the northeastern boundary of Lots 27/28, Block 4312-A;

thence running in a northwesterly direction, binding on the northeastern boundary of said Lot 27/28 and crossing Menlo Drive, to a point of intersection with the southeastern boundary of Lot 1, Block 4306-B; thence running in a northeasterly direction, binding on the southeastern boundary of said Lot 1, to a point of intersection with the northeastern boundary of Lots 1 and 2/3; thence running in a northwesterly direction, binding on the northeastern boundary of said Lots 1 and 2/3, to a point of intersection with the northwestern boundary of Lot 2/3; thence running in a southwesterly direction, binding on the northwestern boundary of Lot 2/3, to a point of intersection with the northeastern boundary of Lot 4/5, Block 4306-B; thence running in a northwesterly direction, binding on the northeastern boundary of said Lot 4/5, to a point of intersection with the center line of Pinkney Avenue; thence running in a southwesterly direction, binding on the center

line of said Pinkney Avenue, to a point of intersection with a extended straight line of the northeastern boundary of Lot 1, Block 4306-A;

thence running in a northwesterly direction, binding on the northeastern boundary of said Lot 1, to a point of intersection with the southeastern boundary of Lot 1A, Block 4306-A; thence running in a northeasterly direction, binding on the southeastern boundary of said Lot 1A, to a point of intersection with the northeastern boundary of said Lot 1A; thence running in a northwesterly direction, binding on the northeastern boundary of said Lot 1A, crossing Rosecrest Avenue, and continuing on the northeastern boundary of Lot 1B, Block 4306-A, to a point of intersection with the southeastern boundary of Lots 2/3, Block 4306-A; thence running in a northeasterly direction, binding on the southeastern boundary of said Lots 2/3, to a point of intersection with the northeastern boundary of Lots 2/3 and 4; thence running in a northwesterly, westerly and northwesterly direction binding on the northeastern boundary of said Lots 2/3 and 4, crossing Strathmore Avenue, to a point of intersection with the northwestern right-of-way line of said Strathmore Avenue;

thence running in a southwesterly direction, binding on the northwestern right-of-way line of said Strathmore Avenue, to a point of intersection with the northeastern boundary of Lot 28A, Block 4299; thence running in a northwesterly direction, binding on the northeastern boundary of said Lot 28A, to a point of intersection with the southeastern boundary of Lots 32/33, Block 4299; thence running in a northeasterly direction, binding on the southeastern boundary of said Lots 32/33, to a point of intersection with the northeastern boundary of Lots 32/33; thence running in a northwesterly direction, binding on the northeastern boundary of Lots 32/33, to a point of intersection with the northwestern boundary of Lots 32/33; thence running in a southwesterly direction, binding on the northwestern boundary of Lots 32/33, to a point of intersection with the northeastern right-of-way line of Reisterstown Road; thence running in a northwesterly direction, binding on the northeastern right-of-way line of said Reisterstown Road, crossing Fordleigh Road, and con-



tinuing to a point of intersection with the southeastern boundary of Lots 33A/33G, Block 4299;

thence running in a northeasterly direction, binding on the southeastern boundary of said Lots 33A/33G, to a point of intersection with the northeastern boundary of Lots 33A/33G; thence running in a northwesterly direction, binding on the northeastern boundary of Lots 33A/33G, to a point of intersection with the southeastern boundary of Lots 34B and 34C, Block 4299; thence running in a southwesterly direction, binding on the southeastern boundary of said Lots 34B and 34C, to a point of intersection with the southwestern boundary of Lot 34B; thence running in a northwesterly direction, binding on the southwestern boundary of Lot 34B, crossing Fords Lane, and continuing to a point of intersection with the southeastern boundary of Lot 11, Block 4293; thence running in a southwesterly direction, binding on the southeastern boundary of said Lot 11, to a point of intersection with the northeastern boundary of Lot 11A, Block 4293; thence running in a northwesterly direction, binding on the northeastern boundary line of said Lot 11A, to a point of intersection with the northwestern boundary of Lot 11, Block 4293;

thence running in a northeasterly direction, binding on the northwestern boundary of said Lot 11, to a point of intersection with the northeastern right-of-way line of the first 16' alley; thence running in a northwesterly direction, binding on the northeastern right-of-way line of said 16 foot alley, crossing Bancroft Road and continuing to a point of intersection with the southeastern boundary of Lot 13, Block 4293; thence running in a northeasterly direction, binding on the southeastern boundary [line] of said Lot 13, to a point of intersection with the line forming the northeastern boundary of Lots 13 and 14/15, Block 4293; thence running in a northwesterly, southwesterly and northwesterly direction, binding on the northeastern boundary [line] of said Lots 13 and 14/15, to a point of intersection with the southeastern boundary of Lot 17, Block 4293; thence running in a northeasterly direction, binding on the southeastern boundary of said Lot 17, to a point of intersection with the northeastern boundary of Lot 17; thence running in a northwesterly direction, binding on the northeastern boundary of Lot 17, crossing

Clarks Lane, to a point of intersection with the northwestern right-of-way line of said Clarks Lane;

thence running in a southwesterly direction, binding on the northwestern right-of-way line of Clarks Lane, to a point of intersection with the northeastern right-of-way line of the first 15' alley; thence running in a northwesterly direction, binding on the northeastern right-of-way line of said 15' alley, crossing Clarinith Road, to a point of intersection with the northwestern right-of-way line of said Clarinith Road; thence running in a southwesterly direction, binding on the northwestern right-of-way line of Clarinith Road, to a point of intersection with the southwestern boundary of Lot 85B, Block 4218-J; thence running in a northwesterly direction, binding on the southwestern boundary of said Lot 85B, crossing the second 15' alley, to a point of intersection with the northwestern right-of-way line of said 15' alley;

thence running in a southwesterly direction, binding on the northwestern right-of-way line of said 15' alley, to a point of intersection with the northeastern boundary of Lot 70, Block 4218-J; thence running in a northwesterly direction, binding on the northeastern boundary of said Lot 70, crossing Brookhill Road, continuing on the northeast boundary of Lot 48/49, Block 4218-J and crossing the third 15' alley, to a point of intersection with the northwestern right-of-way line of said 15' alley; thence running in a northeasterly direction, binding on the northwestern right-of-way line of said 15' alley, to a point of intersection with the southwestern boundary of Lot 23, Block 4218-J; thence running in a northwesterly direction, binding on the southwestern boundary of said Lot 23, to a point of intersection with the northwestern right-of-way line of the first 20' alley;

thence running in a southwesterly direction, binding on the northwestern boundary of said 20' alley, to a point of intersection with the northeastern boundary of Lot 26, Block 4218-J; thence running in a northwesterly direction, binding on the northeastern boundary of said Lot 26, to a point of intersection with the southeastern right-of-way line of Labyrinth Road; thence running in a northwesterly direction, crossing Labyrinth Road to a point of intersec-

tion with the northwestern right-of-way line of Labyrinth Road and the common boundary of Lots 30 and 31, Block 4218-D; thence running in a northwesterly direction and binding on said common boundary line to a point of intersection with the southeastern right-of-way line of the first 15' alley; thence running in a southwesterly direction, binding on the southeastern right-of-way line of said 15' alley, to the point of intersection with the northeastern right-of-way line of Reisterstown Road;

thence running in a northwesterly direction, binding on the northeastern right-of-way line of said Reisterstown Road, to a point of intersection with an extended straight line of the southeastern right-of-way line of the first 16' alley; thence running in a southwesterly direction, crossing Reisterstown Road and binding on the southeastern right-of-way line of said 16' alley, to a point of intersection with the southwestern boundary of Lot 175/197, Block 4257; thence running in a southeasterly direction, binding on the southwestern boundary of said Lot 175/197, crossing Labyrinth Road, and continuing in a southeasterly direction, binding on the southwestern boundary of Lot 1/13, Block 4257, to a point of intersection with the northwestern right-of-way line of Brookhill Road; thence running in a southwesterly direction, binding on the northwestern right-of-way line of said Brookhill Road to the point of beginning;

except for the area bounded by the following: beginning for the same at the point of intersection formed by the southwestern right-of-way line of Villa Place and the southeastern boundary of Lots 89 and 90, Block 4276-C; thence running in a southwesterly direction, binding on the southeastern boundary of said Lots 89 and 90, to a point of intersection with the northeastern right-of-way line of Oakleaf Avenue; thence running in a southeasterly direction, binding on the northeastern right-of-way line of said Oakleaf Avenue, crossing Fords Lane and Kenshaw Avenue to a point of intersection with the northwestern boundary of Lot 112, Block 4281; thence running in a northeasterly direction, binding on the northwestern boundary of said Lot 112, to a point of intersection with the northeastern boundary of Lot 112; thence running in a southeasterly direction, binding on the northeastern boundary of Lot 112, to a point of intersection with the northwestern right-



of-way line of the first 10' alley; thence running in a northeasterly direction, binding on the northwestern right-of-way line of said 10' alley, to a point of intersection with the northeastern boundary of Lot 57, Block 4281; thence running in a northwesterly direction, binding on the northeastern boundary of said Lot 57, crossing Fordleigh Road, to a point of intersection with the northwestern right-of-way line of said Fordleigh Road; thence running in a northeasterly direction, binding on the northwestern right-of-way line of Fordleigh Road, to a point of intersection with the southwestern boundary of Lots 79 and 80, Block 4281; thence running in a northwesterly direction, binding on the southwestern boundary of said Lots 79 and 80, crossing Kenshaw Avenue to a point of intersection with the northwestern right-of-way line of said Kenshaw Avenue; thence running in a southwesterly direction, binding on the northwestern right-of-way line of Kenshaw Avenue, to a point of intersection with the northeastern boundary of Lot 41, Block 4276-A;

thence running in a northwesterly direction, binding on the northeastern boundary of said Lot 41, to a point of intersection with the southeastern boundary of Lots 8/11, Block 4276-A; thence running in a southwesterly direction, binding on the southeastern boundary of said Lots 8/11, to a point of intersection with the northeastern boundary of Lots 12/14, Block 4276-A; thence running in a northwesterly direction binding on the northeastern boundary of said Lots 12/14, crossing Fords Lane, to a point of intersection with the northwestern right-of-way line of said Fords Lane; thence running in a southwesterly direction binding on the northwestern right-of-way line of Fords Lane, crossing Villa Place, to a point of intersection with the southwestern right-of-way line of said Villa Place; thence running in a northwesterly direction, binding on the southwestern right-of-way line of Villa Place, to the point of beginning.

SEC. 4. *And be it further ordained*, That it is necessary to revise, add, and/or delete certain objectives to be met in the development of a comprehensive plan for the Reisterstown Plaza Transit Station Urban Renewal Area as set forth in Section 3 of Ordinance No. 382, approved June

28, 1977; therefore, said Section 3 of Ordinance No. 382 is hereby amended and the objectives contained in Section A.2 of the Urban Renewal Plan for the Reisterstown Plaza Transit Station Urban Renewal Area, dated January 5, 1981, are hereby approved.

SEC. 5. *And be it further ordained*, That the provisions regarding review by the Department of Housing and Community Development of all plans for new construction, exterior rehabilitation, change in use, and demolition of property not to be acquired shall be revised. Therefore, Section 4 of said Ordinance No. 382, approved June 28, 1977, is hereby amended to read as follows:

All plans for new construction, (*including parking lots*), exterior rehabilitation, [demolition, and] change in use *and demolition* of any building on any property in the Reisterstown Plaza Transit Station Area shall be submitted to the Department of Housing and Community Development for review *and approval*. Such review shall be concerned with, but not necessarily limited to, urban design standards, site planning, architectural treatment, materials, colors, building construction, landscape design, access, signs, lighting, elevation, servicing, streets, and sidewalks. *Only* [Upon] *upon* finding that the proposed plans are consistent with the objectives stated in Section A.2 of this Plan, and the land use is appropriate, *shall* the Commissioner of the Department of Housing and Community Development [shall] authorize the processing of the plans for issuance of the necessary permit[s]. *EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION, THE COMMISSIONER SHALL NOTIFY THE APPLICANT OF HIS FINDINGS WITHIN 45 DAYS OF RECEIPT OF ANY PLAN SUBMITTED TO HIM FOR REVIEW.* The Commissioner may, upon finding that the proposed plans are inconsistent with the objectives stated in Section A.2 of this Plan, deny the issuance of a permit. If the Commissioner denies the issuance of a *demolition* permit, he shall within 90 days of such denial, seek approval of the Board of Estimates to acquire for and on behalf of the Mayor and City Council of Baltimore the property, in whole or in part, on which said [new construction, exterior rehabilitation,] demolition, [or change in use of any building on any property]

was to have occurred, by purchase, lease, condemnation, gift, or other legal means. In the event that the Board of Estimates does not authorize the acquisition, the Commissioner, without delay, shall issue the *demolition* permit. The provisions of this section are in addition to, and not in lieu of, all other applicable laws and ordinances.

SEC. 6. *And be it further ordained*, That permitted land uses for the Reisterstown Plaza Transit Station Area, as contained in Section B.1. of the Urban Renewal Plan, are hereby approved.

SEC. 7. *And be it further ordained*, That it is necessary to acquire, by purchase or by condemnation, for urban renewal purposes, the fee simple interest or any lesser interest in and to such of the remaining properties or portions thereof, together with all right, title, interest, and estate that the owner or owners of said property interestS may have in all streets, alleys, ways or lanes, public or private, both abutting the whole area described and/or contained within the perimeter of said area, situate in Baltimore City, Maryland, and described as follows:

1. Lot 90, Block 4276-C, Ward 28, Section 1.

2. Beginning at a distance of 365'2" more or less from the northeastern corner of the intersection of Patterson Avenue and the Western Maryland Railway; thence running in a northeasterly direction binding upon the southeastern right-of-way line of Patterson Avenue for a distance of 163' more or less; thence running in a southeasterly direction for a distance of 120' more or less; thence running in a southwesterly direction for a distance of 140' more or less; thence running in a northwesterly direction for a distance of 20' more or less; thence running in a southwesterly direction for a distance of 18'1" more or less; thence running in a northwesterly direction for a distance of 123'8" more or less to the point of beginning; being part of 4109-4201 Patterson Avenue (Lot 89, Block 4276-C, Ward 28, Section 1).

3. Lot 3, Block 4286-B, Ward 28, Section 2.

4. Beginning for the same at the southwesternmost corner of Lot 1A, Block 4286-B and running south 102 feet,



more or less, binding on the northwest outline of Lot 3, Block 4286-B; thence running north 560 feet, more or less, to intersect the northeast outline of Lot 1, Block 4286-B; thence binding on the northeast outline of said Lot 1, the two (2) following courses and distances; namely, southeasterly 320 feet, more or less, and southwesterly 195 feet, more or less, to the point of beginning.

5. Beginning for the same at the northernmost corner of Lot 1, Block 4286-B and running along the southeasternmost right of way line of Patterson Avenue southwesterly 400 feet, more or less, thence following an easterly direction by the arc of a curve to the right have a radius of 430 feet, more or less, to intersect the northeast outline of said Lot 1, and then continuing along the northeast outline of said Lot 1, northwesterly 190 feet, more or less, to the point of beginning.

6. Beginning for the same at point on the southeasternmost right of way line of Patterson Avenue, binding along the southeasternmost right of way line of said Patterson Avenue North  $47^{\circ}-44'-41''$  East 214.47 feet, thence continuing along the southeasternmost right of way line of said Patterson Avenue and binding along the southeasternmost side of an existing 2 feet wide stone wall North  $47^{\circ}-52'-50''$  East 284.77 feet, thence binding along a fillet leading into Wabash Avenue as shown on Bureau of Surveys Plat No. BE-30-1065, 238.31 feet in an easterly direction by the arc of a curve to the right having a radius of 200 feet and a long chord bearing North  $82^{\circ}-00'-59''$  East 224.46 feet to a point on the southernmost right of way line of said Wabash Avenue, thence binding along the southernmost right of way of said Wabash Avenue, 176.13 feet in a southeasterly direction by the arc of a curve to the right having a radius of 5,680 feet and a long chord bearing South  $62^{\circ}-57'-35''$  East 176.12 feet, thence leaving said right of way line of said Wabash Avenue and binding along the outlines of the entrance to a private road leading into the Seton Institute the three (3) following courses and distances; namely, (1) 41.52 feet in a southerly direction by the arc of a curve to the right having a radius of 24.00 feet and a long chord bearing South  $12^{\circ}-30'-35''$  East 36.53 feet, (2) South  $73^{\circ}-12'-43''$  East 36.34 feet and (3) 34.23 feet in a northeasterly direction by the arc

of a curve to the right having a radius of 24.00 feet and a long chord bearing North  $77^{\circ}-54'-38''$  East 31.40 feet to a point on the southeasternmost right of way line of the abovementioned Wabash Avenue, thence binding along the southernmost right of way line of said Wabash Avenue 16 feet more or less; thence by straight lines the three (3) following courses and distances; namely, southwesterly 345 feet, more or less, and southwesterly 263 feet, more or less, to intersect the southwest outline of Lot 1A of Block 4286-B; thence binding on the southwest outline of said Lot 1A, the two (2) following courses and distances; namely, northwesterly 416 feet, more or less, and northwesterly 191 feet, more or less, to the point of beginning.

7. 6512-6790 REISTERSTOWN ROAD—THAT PORTION DESCRIBED AS FOLLOWS: BEGINNING FOR THE SAME AT THE POINT FORMED BY THE INTERSECTION OF THE SOUTHWEST SIDE OF REISTERSTOWN ROAD, AS NOW LAID OUT 94 FEET WIDE, AND THE NORTHWEST SIDE OF PATTERSON AVENUE, AS NOW LAID OUT 60 FEET WIDE, AND RUNNING THENCE BINDING ON THE NORTHWEST SIDE OF SAID PATTERSON AVENUE, SOUTH  $39^{\circ}-22'-00''$  WEST 264.33 FEET TO INTERSECT THE NORTHWEST SIDE OF PROPOSED PATTERSON AVENUE, VARYING IN WIDTH; THENCE BINDING ON THE NORTHWEST AND WEST SIDES OF SAID PROPOSED PATTERSON AVENUE THE FOUR FOLLOWING COURSES AND DISTANCES; NAMELY, NORTH  $35^{\circ}-21'-37''$  EAST 183.52 FEET, BY A LINE CURVING TO THE LEFT WITH A RADIUS OF 190.00 FEET THE DISTANCE OF 49.44 FEET WHICH ARC IS SUBTENDED BY A CHORD BEARING NORTH  $27^{\circ}-54'-18.5''$  EAST 49.31 FEET, BY A LINE CURVING TO THE LEFT WITH A RADIUS OF 50.00 FEET THE DISTANCE OF 51.13 FEET WHICH ARC IS SUBTENDED BY A CHORD BEARING NORTH  $08^{\circ}-50'-43.5''$  WEST 48.93 FEET AND NORTH  $43^{\circ}-48'-40''$  EAST 4.91 FEET TO INTERSECT THE SOUTHWEST SIDE OF SAID REISTERSTOWN ROAD AND THENCE BINDING ON THE SOUTHWEST SIDE OF SAID REISTERSTOWN ROAD, SOUTH  $46^{\circ}-11'-20''$  EAST 58.90 FEET TO THE PLACE OF BEGINNING.

SEC. 8. *And be it further ordained,* That it may be necessary to acquire, by purchase or by condemnation, for urban renewal purposes, the fee simple interest or any lesser interest in and to such of the remaining properties or portions thereof, together with all right, title, interest, and estate that the owner or owners of said property interests may have in all streets, alleys, ways or lanes, public or private, both abutting the whole area described and/or contained within the perimeter of said area in the Reisterstown Plaza Transit Station Area not specifically designated for acquisition in Section 7 of this ordinance, as may be deemed necessary and proper by the Commissioner of the Department of Housing and Community Development to effect the proper implementation of the project. These properties may include:

(a) any property in the project area containing a non-salvageable structure, i.e. a structure which in the opinion of the Commissioner of the Department of Housing and Community Development cannot be economically rehabilitated.

(b) any property the owner of which is unable to unwilling to comply or conform to the codes and ordinances of Baltimore City within 12 months from the date of written notice of the required improvements; the Department of Housing and Community Development, after due consideration that the property owner has failed to achieve substantial conformity with the codes and ordinances of Baltimore City may acquire such property pursuant to the Eminent Domain Law of this State as if the property had originally been planned for acquisition after 90 days written notice to the owner. The Department of Housing and Community Development reserves the right to acquire any such non-complying property for a period of two (2) years from the date of said written 90 days notice by the Department of Housing and Community Development.

SEC. 9. *And be it further ordained,* That it may be necessary to acquire by purchase or by condemnation, for urban renewal purposes, the fee simple interest or any lesser interest in and to such of the remaining properties or portions thereof, together with all right, title, interest, and estate that the owner or owners of said property



interests may have in all streets, alleys, ways or lanes, public or private, abutting said properties in Reisterstown Plaza Transit Station Area not designated for acquisition in addition to those properties enumerated in Sections 7 and 8 of this ordinance, in order to carry out rehabilitation by the Department of Housing and Community Development because:

(a) it is necessary to make residential structures available for use for low- and moderate-income families; or

(b) rehabilitation on a structure-by-structure basis is infeasible, and assemblage of a group of properties is required to carry out the objectives set forth in the Plan; or

(c) rehabilitation of individual, scattered properties is necessary in order to remove blighting influences from otherwise sound residential blocks.

SEC. 10. *And be it further ordained*, That upon acquisition of the properties mentioned in Sections 8 and 9 of this ordinance, the Department of Housing and Community Development will either:

(a) demolish the structure or structures thereon and dispose of the land for redevelopment for uses in accordance with the Plan; or

(b) sell or lease the property subject to rehabilitation in conformance with the codes and ordinances of Baltimore City; or

(c) rehabilitate the property in conformance with the codes and ordinances of Baltimore City and dispose of the property in accordance with the applicable regulations. If sale cannot be consummated by the time rehabilitation is accomplished, property may be rented pending continuing sale efforts.

SEC. 11. *And be it further ordained*, That the Real Estate Acquisition Division of the Department of the Comptroller, or such person or persons and in such manner as the Board of Estimates, in the exercise of the power vested in it by Article V, Section 5, of the Baltimore City Charter, may hereafter from time to time designate, is or are authorized to acquire on behalf of the Mayor and City

Council of Baltimore and for the purposes described in this ordinance, the fee simple interest or any lesser interest in and to the properties or portions thereof hereinabove mentioned. If the Real Estate Acquisition Division of the Department of the Comptroller, or such person or persons and in such manner as the Board of Estimates, in the exercise of the power vested in it by Article V, Section 5, of the Baltimore City Charter, may hereafter from time to time designate, is or are unable to agree with the owner or owners on the purchase price for said properties or portions thereof, it or they shall forthwith notify the City Solicitor of Baltimore City, who shall thereupon institute in the name of the Mayor and City Council of Baltimore the necessary legal proceedings to acquire by condemnation the fee simple interest or any lesser interest in and to said properties or portions thereof.

SEC. 12. *And be it further ordained*, That in selling or otherwise disposing of property in the Reisterstown Plaza Transit Station Area, the Department of Housing and Community Development shall require that the developers agree in writing not to discriminate in the sale, lease, use or occupancy of the property developed by them against any person because of race, creed, color, sex, religion, or national origin.

SEC. 13. *And be it further ordained*, That the following standard shall be applied to all properties within the Reisterstown Plaza Transit Station area:

Cleaning of masonry facades by means of sandblasting shall not be permitted.

SEC. 14. *And be it further ordained*, That any person violating the provision contained in Section 13 of this Ordinance shall be subject to a fine not exceeding One Hundred Dollars (\$100.00) and that each day's violation shall constitute a separate offense.

SEC. 15. *And be it further ordained*, That the approval of the Renewal Plan for Reisterstown Plaza Transit Station Area shall not be construed as an enactment of such amendments to the Zoning Ordinance as are proposed in

the Renewal Plan on Exhibit 4, Zoning Districts, dated January 5, 1981.

SEC. 16. *And be it further ordained*, That in whatever respect, if any, the Renewal Plan approved hereby for the Reisterstown Plaza Transit Station Area may not meet the requirements as to the content of a Renewal Plan or the procedure for the preparation, adoption, and approval of Renewal Plans as provided in Section 25 of Article 13 of the Baltimore City Code (1976 Edition, as amended) the said requirements are hereby waived and the Renewal Plan approved hereby is exempted therefrom.

SEC. 17. *And be it further ordained*, That in the event it be judicially determined that any word, phrase, clause, sentence, paragraph, section or part in or of this ordinance, or the application thereof to any person or circumstances is invalid, the remaining provisions and the application of such provisions to other persons or circumstances shall not be affected thereby, the Mayor and City Council hereby declaring that they would have ordained the remaining provisions of this ordinance without the word, phrase, clause, sentence, paragraph, section or part or the application thereof so held invalid.

SEC. 18. *And be it further ordained*, That in any case where a provision of this ordinance concerns the same subject matter as an existing provision of any zoning, building, electrical, plumbing, health, fire or safety ordinance or code or regulation, the applicable provisions concerned shall be construed so as to give effect to each; provided, however, that if such provisions are found to be in irreconcilable conflict, the provision which establishes the higher standard for the promotion and protection of the public health and safety shall prevail. In any case where a provision of any other ordinance is found to be in conflict with an existing provision of any other ordinance or code or regulation in force in the City of Baltimore which establishes a lower standard for the promotion and protection of the public health and safety, the provision of this ordinance shall prevail, and the other existing provision of such other ordinance or code or regulation is hereby



repealed to the extent that it may be found in conflict with this ordinance.

SEC. 19. *And be it further ordained*, That this ordinance shall take effect from the date of its passage.

Approved July 2, 1981.

WILLIAM DONALD SCHAEFER, *Mayor*.

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No. 393

(Council No. 597)

AN ORDINANCE concerning

ZONING—APPROVAL FOR CONDITIONAL USE  
PARKING AREAS IN THE ORLEANS  
SQUARE URBAN DEVELOPMENT  
ACTION GRANT PROJECT

FOR the purpose of granting permission for the establishment, maintenance and operation of open off-street parking areas on the properties located at 211/17 N. Patterson Park Avenue, Lot 92, Block 1689 (property to the rear of 201-209 N. Patterson Park Avenue), and 200-206 N. Montford Avenue in the Orleans Square Urban Development Action Grant Project as outlined in red on the plat accompanying this ordinance.

BY authority of

Article 30—Zoning

Sections 6.2-1d and 11.0-6d

Baltimore City Code (1976 Edition, as amended)

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That permission is hereby granted for the establishment, maintenance and operation of open off-street parking areas on the properties located at 211/17 N. Patterson Park Avenue, Lot 92, Block 1689 (property to the rear of 201-209 N. Patterson Park Avenue), and 200-206 N. Montford Avenue in the Orleans Square Urban

Development Action Grant Project as outlined in red on the plat accompanying this ordinance, under the provisions of Sections 6.2-1d and 11.0-6d of Article 30 of the Baltimore City Code (1976 Edition, as amended) title "Zoning".

SEC. 2. *And be it further ordained*, That upon passage of this ordinance by the City Council, as evidence of the authenticity of the plat which is a part hereof and in order to give notice to the departments which are administering the Zoning Ordinance, the President of the City Council shall sign the plat and when the Mayor approves the ordinance, he shall sign the plat. The Director of Finance shall then transmit a copy of the ordinance and one of the plats to the following: the Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of the Department of Housing and Community Development and the Zoning Administrator.

SEC. 3. *And be it further ordained*, That this ordinance shall take effect on the date of its passage.

Approved July 2, 1981.

WILLIAM DONALD SCHAEFER, *Mayor*.

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No. 394

(Council No. 598)

AN ORDINANCE concerning

CITY STREET—OPENING CHEAPSIDE STREET  
IN THE FINANCIAL DISTRICT URBAN  
RENEWAL PROJECT

FOR the purpose of condemning and opening Cheapside Street, 66 feet wide, and extending from Lombard Street, Northerly 105 feet, more or less, to Water Street and lying within the area of the Financial District Urban Renewal Project in accordance with a plat thereof numbered 338-A-11, prepared by the Surveys and Records

Division and filed in the Office of the Department of Public Works, on the Ninth (9th) day of September, 1980.

BY authority of

Article I—General Provisions

Section—4

Article II—General Provisions

Sections—2, 34, 35

Baltimore City Charter (1964 Revision, as amended)

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That the Department of Public Works be, and they are hereby authorized and directed to condemn and open Cheapside Street, 66 feet wide, and extending from Lombard Street, Northerly 105 feet, more or less, to Water Street and lying within the area of the Financial District Urban Renewal Project the street hereby directed to be condemned for said opening being described as follows:

Beginning for the same at the point formed by the intersection of the east side of Cheapside Street, as now laid out 66 feet wide, and the north side of Lombard Street, as now laid out 90 feet wide, and running thence binding on the north side of said Lombard Street, Westerly 66 feet to intersect the west side of said Cheapside Street; thence binding on the west side of said Cheapside Street, Northerly 104 feet, more or less, to intersect the south side of Water Street, as now laid out; thence binding on the south side of said Water Street, Easterly 66 feet to intersect the east side of said Cheapside Street and thence binding on the east side of said Cheapside Street, Southerly 105 feet, more or less, to the place of beginning.

the said Cheapside Street as directed to be condemned being more particularly described and referred to among the Land Records of Baltimore City and delineated and particularly shown on a plat numbered 338-A-11 which was filed in the Office of the Department of Public Works on the Ninth (9th) day of September, in the year 1980, and is now on file in said Office.

SEC. 2. *And be it further ordained*, That the proceedings of said Department of Public Works, with reference to the



condemnation and opening of said Cheapside Street and the proceedings and rights of all parties interested or affected thereby, shall be regulated by, and be in accordance with, any and all applicable provisions of Article 4 of the Code of Public Local Laws of Maryland and the Charter of Baltimore City (1964 Revision) as amended to July 1, 1973 and any and all amendments thereto, and any and all other Acts of the General Assembly of Maryland, and any and all ordinances of the Mayor and City Council of Baltimore, and any and all rules or regulations in effect which have been adopted by the Director of Public Works and filed with the Department of Legislative Reference.

SEC. 3. *And be it further ordained*, That this Ordinance shall take effect from the date of its passage.

Approved July 2, 1981.

WILLIAM DONALD SCHAEFER, *Mayor*.

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No. 395

(Council No. 599)

AN ORDINANCE concerning

CITY STREET—CLOSING CHEAPSIDE STREET  
IN THE FINANCIAL DISTRICT URBAN  
RENEWAL PROJECT

FOR the purpose of condemning and closing Cheapside Street, 66 feet wide, and extending from Lombard Street, Northerly 105 feet, more or less, to Water Street and lying within the area of the Financial District Urban Renewal Project in accordance with a plat thereof numbered 338-A-11A, prepared by the Surveys and Records Division and filed in the Office of the Department of Public Works, on the Ninth (9th) day of September, 1980.

BY authority of  
Article I—General Provisions

Section—4

Article II—General Provisions

Sections—2, 34, 35

Baltimore City Charter (1964 Revision, as amended)

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That the Department of Public Works be, and they are hereby authorized and directed to condemn and close Cheapside Street, 66 feet wide, and extending from Lombard Street, Northerly 105 feet, more or less, to Water Street and lying within the area of the Financial District Urban Renewal Project the street hereby directed to be condemned for said closing being described as follows:

Beginning for the same at the point formed by the intersection of the east side of Cheapside Street, as now laid out 66 feet wide, and the north side of Lombard Street, as now laid out 90 feet wide, and running thence binding on the north side of said Lombard Street, Westerly 66 feet to intersect the west side of said Cheapside Street; thence binding on the west side of said Cheapside Street, Northerly 104 feet, more or less, to intersect the south side of Water Street, as now laid out; thence binding on the south side of said Water Street, Easterly 66 feet to intersect the east side of said Cheapside Street and thence binding on the east side of said Cheapside Street, Southerly 105 feet, more or less, to the place of beginning.

the said Cheapside Street as directed to be condemned being more particularly described and referred to among the Land Records of Baltimore City and delineated and particularly shown on a plat numbered 338-A-11A which was filed in the Office of the Department of Public Works on the Ninth (9th) day of September, in the year 1980, and is now on file in said Office.

SEC. 2. *And be it further ordained*, That after said highway or highways shall have been closed under the provisions of this Ordinance, all subsurface structures and appurtenances now owned by the Mayor and City Council of Baltimore, shall be and continue to be the property of the Mayor and City Council of Baltimore, in fee simple, until the use thereof shall be abandoned by the Mayor and City Council of Baltimore, and in the event that any

person, firm or corporation shall desire to remove, alter or interfere therewith, such person, firm or corporation shall first obtain permission and permits therefor from the Mayor and City Council of Baltimore, and shall in the application for such permission and permits agree to pay all costs and charges of every kind and nature made necessary by such removal, alteration or interference.

SEC. 3. *And be it further ordained,* That no buildings or structures of any kind shall be constructed or erected in said portion of said highway or highways after the same shall have been closed under the provisions of this Ordinance until the subsurface structures and appurtenances over which said buildings or structures are proposed to be constructed or erected shall have been abandoned or shall have been removed and relaid in accordance with the specifications and under the direction of the Director of Public Works of Baltimore City, and at the expense of the person or persons or body corporate desiring to erect such buildings or structures. Railroad tracks shall be taken to be "structures" within the meaning of this section.

SEC. 4. *And be it further ordained,* That ~~on and after the closing of said highway or highways, the said Mayor and City Council of Baltimore, acting through its duly authorized representatives, shall, at all times, have access to said property and to all subsurface structures and appurtenances used by it therein, for the purposes of inspection, maintenance, Council of Baltimore, shall upon notice from the Director of Public Works of Baltimore City, be promptly removed by and at the expense of the said owners.~~ AFTER SAID HIGHWAY OR HIGHWAYS SHALL HAVE BEEN CLOSED UNDER THE PROVISIONS OF THIS ORDINANCE, ALL SUBSURFACE STRUCTURES AND APPURTENANCES OWNED BY ANY PERSON, FIRM OR CORPORATION, OTHER THAN THE MAYOR AND CITY COUNCIL OF BALTIMORE, SHALL UPON NOTICE FROM THE DIRECTOR OF PUBLIC WORKS OF BALTIMORE CITY, BE PROMPTLY REMOVED BY AND AT THE EXPENSE OF THE SAID OWNERS.



SEC. 5. *And be it further ordained*, That on and after the closing of said highway or highways, the said Mayor and City Council of Baltimore, acting through its duly authorized representatives, shall, at all times, have access to said property and to all subsurface structures and appurtenances used by it therein, for the purposes of inspection, maintenance, repair, alteration, relocation and/or replacement, of any or all of said structures and appurtenances, and this without permission from or compensation to the owner or owners of said land.

SEC. 6. *And be it further ordained*, That the proceedings of said Department of Public Works with reference to the condemnation and closing of said Cheapside Street and the proceedings and rights of all parties interested or affected thereby, shall be regulated by, and be in accordance with, any and all applicable provisions of Article 4 of the Code of Public Local Laws of Maryland and the Charter of Baltimore City (1964 Revision) as amended to July 1, 1973 and any and all amendments thereto, and any and all other Acts of the General Assembly of Maryland, and any and all ordinances of the Mayor and City Council of Baltimore, and any and all rules or regulations in effect which have been adopted by the Director of Public Works and filed with the Department of Legislative Reference.

SEC. 7. *And be it further ordained*, That this Ordinance shall take effect from the date of its passage.

Approved July 2, 1981.

WILLIAM DONALD SCHAEFER, *Mayor*.

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No. 396

(Council No. 611)

AN ORDINANCE concerning

CITY STREET—OPENING OF CERTAIN STREETS  
AND ALLEYS LYING WITHIN THE AREA  
OF THE POPPLETON URBAN  
RENEWAL PROJECT

FOR the purpose of condemning and opening a 15 foot alley lying in the rear of the properties known as No. 818 through and including No. 830 W. Fayette Street in accordance with a plat thereof numbered 329-A-16, prepared by the Surveys and Records Division and filed in the Office of the Department of Public Works, on the Thirtieth (30th) day of March, 1981.

BY authority of

Article I—General Provisions

Section—4

Article II—General Provisions

Sections—2, 34, 35

Baltimore City Charter—(1964 Revision, as amended).

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That the Department of Public Works be, and they are hereby authorized and directed to condemn and open a 15 foot alley lying in the rear of the properties known as No. 818 through and including No. 830 W. Fayette Street the alley hereby directed to be condemned for said opening being described as follows:

A 15 foot alley, laid out in the rear of the properties known as No. 818 through and including No. 830 W. Fayette Street and extending from a 10 foot alley, laid out west of Fremont Avenue, Westerly 113 feet, more or less, to the end thereof and designated as Parcel No. 1.

the said alley as directed to be condemned being more particularly described and referred to among the Land Records of Baltimore City and delineated and particularly shown on a plat numbered 329-A-16 which was filed in the Office of the Department of Public Works on the Thirtieth (30th) day of March, in the year 1981, and is now on file in said Office.

SEC. 2. *And be it further ordained*, That the proceedings of said Department of Public Works, with reference to the condemnation and opening of said alley and the proceedings and rights of all parties interested or affected thereby, shall be regulated by, and be in accordance with, any and all applicable provisions of Article 4 of the Code of Public Local Laws of Maryland and the Charter of Baltimore City

(1964 Revision) as amended to July 1, 1973 and any and all amendments thereto, and any and all other Acts of the General Assembly of Maryland, and any and all ordinances of the Mayor and City Council of Baltimore, and any and all rules or regulations in effect which have been adopted by the Director of Public Works and filed with the Department of Legislative Reference.

SEC. 3. *And be it further ordained*, That this Ordinance shall take effect from the date of its passage.

Approved July 2, 1981.

WILLIAM DONALD SCHAEFER, *Mayor*.

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No. 397

(Council No. 612)

AN ORDINANCE concerning

CITY STREET—CLOSING OF CERTAIN STREETS  
AND ALLEYS LYING WITHIN THE  
AREA OF THE POPPLETON URBAN  
RENEWAL PROJECT

FOR the purpose of condemning and closing a 15 foot alley lying in the rear of the properties known as No. 818 through and including No. 830 W. Fayette Street in accordance with a plat thereof numbered 329-A-16A, prepared by the Surveys and Records Division and filed in the Office of the Department of Public Works, on the Thirtieth (30th) day of March, 1981.

BY authority of

Article I—General Provisions

Section—4

Article II—General Provisions

Sections—2, 34, 35

Baltimore City Charter (1964 Revision, as amended).

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That the Department of Public Works be, and



they are hereby authorized and directed to condemn and close a 15 foot alley lying in the rear of the properties known as No. 818 through and including No. 830 W. Fayette Street, the alley hereby directed to be condemned for said closing being described as follows:

A 15 foot alley, laid out in the rear of the properties known as No. 818 through and including No. 830 W. Fayette Street, and extending from a 10 foot alley, laid out west of Fremont Avenue, Westerly 113 feet, more or less, to the end thereof and designated as Parcel No. 1.

the said alley as directed to be condemned being more particularly described and referred to among the Land Records of Baltimore City and delineated and particularly shown on a plat numbered 329-A-16A which was filed in the Office of the Department of Public Works on the Thirtieth (30th) day of March, in the year 1981 and is now on file in said Office.

SEC. 2. *And be it further ordained*, That after said highway or highways shall have been closed under the provisions of this Ordinance, all subsurface structures and appurtenances now owned by the Mayor and City Council of Baltimore, shall be and continue to be the property of the Mayor and City Council of Baltimore, in fee simple, until the use thereof shall be abandoned by the Mayor and City Council of Baltimore, and in the event that any person, firm or corporation shall desire to remove, alter or interfere therewith, such person, firm or corporation shall first obtain permission and permits therefor from the Mayor and City Council of Baltimore, and shall in the application for such permission and permits agree to pay all costs and charges of every kind and nature made necessary by such removal, alteration or interference.

SEC. 3. *And be it further ordained*, That no buildings or structures of any kind shall be constructed or erected in said portion of said highway or highways after the same shall have been closed under the provisions of this Ordinance until the subsurface structures and appurtenances now owned by the Mayor and City Council of Baltimore, over which said buildings or structures are proposed to be constructed or erected shall have been abandoned or shall

have been removed and relaid in accordance with the specifications and under the direction of the Director of Public Works of Baltimore City, and at the expense of the person or persons or body corporate desiring to erect such buildings or structures. Railroad tracks shall be taken to be "structures" within the meaning of this section.

SEC. 4. *And be it further ordained*, That after said highway or highways shall have been closed under the provisions of this Ordinance, all subsurface structures and appurtenances owned by any person, firm or corporation, other than the Mayor and City Council of Baltimore, shall upon notice from the Director of Public Works of Baltimore City, be promptly removed by and at the expense of the said owners.

SEC. 5. *And be it further ordained*, That on and after the closing of said highway or highways, the said Mayor and City Council of Baltimore, acting through its duly authorized representatives, shall, at all times, have access to said property and to all subsurface structures and appurtenances used by it therein, for the purposes of inspection, maintenance, repair, alteration, relocation and/or replacement, of any or all of said structures and appurtenances, and this without permission from or compensation to the owner or owners of said land.

SEC. 6. *And be it further ordained*, That the proceedings of said Department of Public Works with reference to the condemnation and closing of said alley and the proceedings and rights of all parties interested or affected thereby, shall be regulated by, and be in accordance with, any and all applicable provisions of Article 4 of the Code of Public Local Laws of Maryland and the Charter of Baltimore City (1964 Revision) as amended to July 1, 1973 and any and all amendments thereto, and any and all other Acts of the General Assembly of Maryland, and any and all ordinances of the Mayor and City Council of Baltimore, and any and all rules or regulations in effect which have been adopted by the Director of Public Works and filed with the Department of Legislative Reference.

SEC. 7. *And be it further ordained*, That this Ordinance shall take effect from the date of its passage.

Approved July 2, 1981.

WILLIAM DONALD SCHAEFER, *Mayor*.

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No. 398

(Council No. 618)

AN ORDINANCE concerning

CITY PROPERTY—SALE

FOR the purpose of authorizing the Mayor and City Council of Baltimore to sell at either public or private sale all of the interest of the Mayor and City Council of Baltimore in and to certain parcels of land located generally in the Carroll Industrial Park area of Baltimore, Maryland, said parcels of land being no longer needed for public use.

BY authority of

Article V—Comptroller

Section 5(b)

Baltimore City Charter (1964 Revision, as amended)

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That the Comptroller of Baltimore City be and he is hereby authorized to sell at either public or private sale in accordance with Article V, Section 5(b) of the City Charter, all of the interest of the Mayor and City Council of Baltimore in and to those parcels of land situate in Baltimore, Maryland, and described as follows:

801 West Ostend Street  
803 West Ostend Street  
805 West Ostend Street  
807 West Ostend Street  
809 West Ostend Street  
811 West Ostend Street



813 West Ostend Street  
815 West Ostend Street  
817 West Ostend Street  
819 West Ostend Street  
821 West Ostend Street  
823 West Ostend Street  
825 West Ostend Street  
827 West Ostend Street  
829 West Ostend Street  
831 West Ostend Street  
833 West Ostend Street  
835 West Ostend Street  
837 West Ostend Street  
839 West Ostend Street  
841 West Ostend Street  
843 West Ostend Street  
845 West Ostend Street  
847 West Ostend Street  
849 West Ostend Street  
851 West Ostend Street  
853 West Ostend Street  
855 West Ostend Street  
857/875 West Ostend Street

Said properties being no longer needed for public use.

SEC. 2. *Be it further ordained*, That no deed or deeds shall pass in accordance herewith until the same shall have been first approved by the City Solicitor.

SEC. 3. *And be it further ordained*, That this Ordinance shall take effect from the date of its passage.

Approved July 2, 1981.

WILLIAM DONALD SCHAEFER, *Mayor*.

## No. 399

(Council No. 623)

## AN ORDINANCE concerning

URBAN RENEWAL—CATON/95—  
RENEWAL AREA—DESIGNATION AND  
URBAN RENEWAL PLAN

FOR the purpose of designating as a "Renewal Area" an area situate in Baltimore City, Maryland known as Caton/95, bounded generally by Interstate Route 95 and the outer loop off-ramp in the southeast quadrant of the Caton Avenue interchange, Herkimer Street, Morrell Park and Maudlin Avenues, the Baltimore and Ohio Railroad right-of-way, and the southern boundary of the City; approving a Renewal Plan for Caton/95; authorizing the acquisition by purchase or by condemnation, for urban renewal purposes, of certain properties; providing for review by the Department of Housing and Community Development of all plans for new construction, exterior rehabilitation, or change in use of properties within Caton/95; establishing procedures for the issuance and denial of demolition permits; providing that in selling land in Caton/95 the Department of Housing and Community Development shall require that developers agree in writing not to discriminate in the sale, lease, use or occupancy of the property developed by them against any person because of national origin, race, religion, sex or color; establishing sign provisions for certain portions of Caton/95; providing that the cleaning of masonry facades by means of sandblasting shall not be permitted and providing a penalty for any violation of this standard; providing that the approval of said Renewal Plan is not an enactment of such amendments to the Zoning Ordinance as are proposed in said Renewal Plan; establishing permitted land uses; approving certain regulations, controls, and restrictions applicable to all land and property within Caton/95; waiving such requirements, if any, as to content or procedure for the preparation, adoption and approval of Renewal Plans as set forth in Article 13 of the Baltimore City Code (1976 Edition, as amended) which the Renewal Plan

for Caton/95 may not meet; providing for the separability of the various parts and applications of this Ordinance; providing that where the provisions of this Ordinance shall conflict with any other ordinance, code or regulation, the provision which establishes the higher standard shall prevail; and providing for the effective date hereof.

WHEREAS, the basic goal of the City of Baltimore for the Caton/95 area is to attract and retain business and light industrial uses, provide a framework for harmonious development, and to protect and accommodate the interests of the residential neighborhoods bordering the area; and

WHEREAS, in accordance with the provisions of Article 13 of the Baltimore City Code (1976 Edition, as amended), the Caton/95 area has been found to be in need of undertakings and activities for the elimination, the correction, or the prevention of the development or the spread of slums, blight, or deterioration; and

WHEREAS, the Commissioner of the Department of Housing and Community Development, after consultation with the Director of the Department of Planning, acting pursuant to powers vested by Section 23(a) of Article 13 of the Baltimore City Code (1976 Edition, as amended), has heretofore determined that the Caton/95 area, as hereinbelow more particularly described, may be benefited through the exercise of those functions and powers of the City of Baltimore which are vested in the Department of Housing and Community Development by said Article 13, and has recommended to the City Council that an ordinance be passed to designate the Caton/95 area as a "Renewal Area"; and

WHEREAS, under Article 13 of the Baltimore City Code (1976 Edition, as amended), the Department of Housing and Community Development is authorized to prepare and administer renewal plans in renewal areas; and

WHEREAS, the Department of Housing and Community Development has prepared a Renewal Plan for Caton/95, consisting of a cover page, a table of contents, eight (8) pages of text, and four (4) exhibits; and



WHEREAS, the Renewal Plan for Caton/95 was approved by the Director of the Department of Planning with respect to its conformity as to the Master Plan, the detailed location of any public improvements proposed in the Renewal Plan, its conformity to the rules and regulations for subdivisions, and all zoning changes proposed in the Renewal Plan; and the Renewal Plan was approved and recommended to the Mayor and City Council of Baltimore by the Commissioner of the Department of Housing and Community Development; now, therefore,

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That it is hereby found and determined that the area known as Caton/95, as hereinbelow more particularly described, may be benefited through the exercise of the functions and powers vested in the Department of Housing and Community Development:

Beginning for the same at the intersection of the southern boundary of Baltimore City and the southern right-of-way line of Interstate Route 95; thence from said point of beginning and binding on the southern right-of-way line of the I-95/Caton Avenue Ramp F and the southern right-of-way line of Ramp F easterly and southeasterly to intersect the west side of S. Caton Avenue; thence continuing on the west side of S. Caton Avenue southerly to intersect a line formed by extending the northern property line of Lot 1/2, Block 7703-J; thence crossing S. Caton Avenue and continuing on said extension and said northern property line easterly to intersect the eastern property line of Lot 3/5, Block 7703-J; thence continuing on said eastern property line northerly to intersect the northern property line of Lots 1/2 and 14, Block 7703-J; thence continuing on said line and the extension of said line easterly to intersect the east side of S. Ellamont Street; thence continuing on the east side of S. Ellamont Street and binding on the western property line of Lot 9, Block 7703-H southerly to intersect the north side of Georgetown Road; thence continuing on the north side of Georgetown Road southwesterly to intersect a line formed by extending the eastern property line of Lot 68E, Block 7755; thence crossing Georgetown Road and continuing on said eastern property line southerly to intersect the north side of Herkimer

Street; thence continuing on the north side of Herkimer Street northeasterly to intersect the west side of Forest Hill Avenue; thence continuing on the west side of Forest Hill Avenue northwesterly to intersect a line formed by extending the northern property line of Lot 35/36, Block 7755; thence continuing on said extension and said northern property line northeasterly to intersect the west side of Morrell Park Avenue; thence continuing on the west side of Morrell Park Avenue southeasterly to intersect the southern property line of Lot 21/34, Block 7755; thence continuing on said southern property line southwesterly to intersect the western property line of Lot 19/20, Block 7755; thence continuing on said western property line and binding on the western property lines of Lots 17/18, 15/16, 14, 12/13, 11, 10, 9A, 9, 7/8 and 5/6, Block 7755 southeasterly to intersect the north side of Washington Boulevard; thence continuing on the north side of Washington Boulevard southwesterly to intersect a line formed by extending the eastern property line of Lot 9, Block 7841-G; thence crossing Washington Boulevard and continuing on said eastern property line and binding on the eastern property lines of Lots 8, 7, and 6, Block 7841-G southeasterly and easterly to intersect the northern property line of Lot 80, Block 7475; thence continuing on said northern property line easterly to intersect the northern property line of the Baltimore and Ohio Railroad right-of-way; thence continuing on said Railroad right-of-way southerly and southwesterly to intersect the southern boundary of Baltimore City; thence continuing on the southern boundary of Baltimore City westerly to intersect the north side of James Street; thence continuing on the north side of James Street northeasterly to intersect the eastern property line of Lot 9, Block 7727; thence continuing on said eastern property line northwesterly to intersect the northern property line of said Lot 9; thence continuing on said northern property line and binding on the northern property lines of Lots 8, 7, and 6, Block 7727 southwesterly to intersect the east side of a 12 foot alley; thence continuing on the east side of said alley northwesterly to intersect the north side of Hopkins Avenue; thence continuing on the north side of Hopkins Avenue southwesterly to intersect the southern boundary of Bal-

timore City; thence continuing on the southern boundary of Baltimore City northwesterly to the point of beginning.

SEC. 2. *And be it further ordained*, That the Urban Renewal Plan, identified as "Urban Renewal Plan Caton/95 . . . April 1, 1981", is hereby approved and the Clerk of the City Council is hereby directed to file a copy of said Renewal Plan with the Department of Legislative Reference as a permanent public record and to make the same available for public inspection and information.

SEC. 3. *And be it further ordained*, That it is necessary to acquire by purchase or by condemnation, for urban renewal purposes, the fee simple interest or any lesser interest in and to certain properties or portions thereof, together with all right, title, interest, and estate that the owner or owners of said property interests may have in all streets, alleys, ways, or lanes, public or private, both abutting the whole area described and/or contained within the perimeter of said area, situate in Baltimore City, Maryland, and described as follows:

1515 Bloomfield Avenue

1421 S. Caton Avenue

1516 S. Caton Avenue

1518 S. Caton Avenue

1518½/20 S. Caton Avenue

1515 Joh Avenue

SEC. 4. *And be it further ordained*, That it may be necessary to acquire by purchase or by condemnation, for urban renewal purposes, the fee simple interest or any lesser interest in and to such of the remaining properties or portions thereof together with all right, title, interest, and estate that the owner or owners of said property interests may have in all streets, alleys, ways, or lanes, public or private, both abutting the whole area described and/or contained within the perimeter of said area, not specifically designated for acquisition in Section 3 of this Ordinance, as may be deemed necessary and proper by the Commissioner of the Department of Housing and Community Development to effect the proper implementation of the project. These properties may include:



(a) any property in the project area containing a non-salvable structure, i.e. a structure which in the opinion of the Commissioner of the Department of Housing and Community Development cannot be economically rehabilitated;

(b) any property the owner of which is unable or unwilling to comply or conform to the codes and ordinances of Baltimore City within 12 months from the date of written notice of the required improvements. The Department of Housing and Community Development, after due consideration that the property owner has failed to achieve substantial conformity with the codes and ordinances of Baltimore City, may acquire such property pursuant to the Eminent Domain Law of this State as if the property had originally been planned for acquisition after 90 days written notice to the owner. The Department of Housing and Community Development reserves the right to acquire any such non-complying property for a period of two (2) years from the date of said written 90 day notice by the Department of Housing and Community Development.

SEC. 5. *And be it further ordained*, That upon acquisition of the properties mentioned in Sections 3 and 4 of this Ordinance, the Department of Housing and Community Development will either:

(a) demolish the structure thereon and dispose of the land for redevelopment for uses in accordance with the Urban Renewal Plan; or

(b) sell or lease the property subject to rehabilitation in conformance with the codes and ordinances of Baltimore City; or

(c) rehabilitate the property in conformance with the codes and ordinances of Baltimore City and dispose of the property in accordance with the applicable regulations. If sale cannot be consummated by the time rehabilitation is accomplished, the property may be rented pending continuing sale efforts.

SEC. 6. *And be it further ordained*, That the Real Estate Acquisition Division of the Department of the Comptroller, or such person or persons and in such manner as the Board

of Estimates, in the exercise of the power vested in it by Article V, Section 5, of the Baltimore City Charter, may hereafter from time to time designate, is or are authorized to acquire on behalf of the Mayor and City Council of Baltimore and for the purposes described in this Ordinance, the fee simple interest or any lesser interest in and to the properties or portions thereof hereinabove mentioned. If the Real Estate Acquisition Division of the Department of the Comptroller, or such person or persons and in such manner as the Board of Estimates, in the exercise of the power vested in it by Article V, Section 5, of the Baltimore City Charter, may hereafter from time to time designate, is or are unable to agree with the owner or owners on the purchase price for said properties or portions thereof, it or they shall forthwith notify the City Solicitor of Baltimore City, who shall thereupon institute in the name of the Mayor and City Council of Baltimore the necessary legal proceedings to acquire by condemnation the fee simple interest or any lesser interest in and to said properties or portions thereof.

SEC. 7. *And be it further ordained*, That all plans for new construction (including parking lots), exterior rehabilitation, or change in use of any property not to be acquired under the provisions of the Urban Renewal Plan shall be submitted to the Department of Housing and Community Development for review. Only upon finding that the proposed plans are consistent with the objectives of the Urban Renewal Plan shall the Commissioner of the Department of Housing and Community Development authorize the processing of the plans for issuance of a building permit. The provisions of this section are in addition to and not in lieu of all other applicable laws and ordinances relating to new construction.

SEC. 8. *And be it further ordained*, That all applications for demolition permits shall be submitted to the Department of Housing and Community Development for review and approval. Upon finding that the proposed demolition is consistent with the objectives of the Urban Renewal Plan, the Commissioner of the Department of Housing and Community Development shall authorize the issuance of the necessary permit. If the Commissioner finds that the

proposal is inconsistent with the objectives of the Urban Renewal Plan and therefore denies the issuance of the permit, he shall, within 90 days of such denial, seek approval of the Board of Estimates to acquire for and on behalf of the Mayor and City Council of Baltimore the property, in whole or in part, on which said demolition was to have occurred by purchase, lease, condemnation, gift or other legal means for the renovation, rehabilitation and disposition thereof. In the event that the Board of Estimates does not authorize the acquisition, the Commissioner shall, without delay, issue the demolition permit.

SEC. 9. *And be it further ordained*, That in selling or otherwise disposing of property in the Caton/95 Renewal Area, the Department of Housing and Community Development shall require that developers agree in writing not to discriminate in the sale, lease, use or occupancy of the property developed by them against any person because of race, religion, color, sex or national origin.

SEC. 10. *And be it further ordained*, That the following sign provisions shall apply to all properties to be acquired by the City and to all properties not to be acquired within Area A of the Project, said Area A being designated on the Property Acquisition Map, Exhibit No. 2 of the Urban Renewal Plan. ~~Non-complying business and identification signs within Area A may be continued for 5 years from the date of enactment of this Ordinance, provided that after expiration of the 5 year period such non-complying signs shall be removed and terminated or shall be altered or converted to signs permitted under the Renewal Plan.~~

No sign shall extend above the roof line of the building to which it is attached; no sign shall project more than 12 inches from the building to which it is attached; no roof signs shall be permitted. No new paper, cardboard, wooden or other signs of a temporary nature shall be permitted in the Project except as permitted by the Commissioner of the Department of Housing and Community Development. ~~No new general advertising signs, billboards and posterboards shall be permitted. The total area of any new sign, free-standing or affixed to a building shall not exceed 80 square feet; the total height of any free-standing sign shall not exceed 24 feet.~~



SEC. 11. *And be it further ordained*, That the following standard shall be applied to all properties within the Caton/95 Renewal Area:

Cleaning of masonry facades by means of sandblasting shall not be permitted.

SEC. 12. *And be it further ordained*, That any person violating the provision contained in Section 11 of this Ordinance shall be subject to a fine not exceeding One Hundred Dollars (\$100.00) and that each day's violation shall constitute a separate offense.

SEC. 13. *And be it further ordained*, That the approval of the Renewal Plan for Caton/95 shall not be construed as an enactment of such amendments to the Zoning Ordinance as are proposed in the Renewal Plan on Exhibit 4, Zoning Districts, dated April 1, 1981.

SEC. 14. *And be it further ordained*, That only the land uses contained in Section B.1. of the Urban Renewal Plan and shown on the Land Use Plan, Exhibit 1, dated April 1, 1981, shall be permitted within Caton/95.

SEC. 15. *And be it further ordained*, That the regulations, controls, and restrictions applicable to all land and property as stated in Section B.2. of the Urban Renewal Plan are hereby approved.

SEC. 16. *And be it further ordained*, That in whatever respect, if any, the said Renewal Plan approved hereby may not meet the requirements as to the content of a renewal plan or the procedures for the preparation, adoption, and approval of renewal plans, as provided in Article 13 of the Baltimore City Code (1976 Edition, as amended), the said requirements are hereby waived and the Renewal Plan approved hereby is exempted therefrom.

SEC. 17. *And be it further ordained*, That in the event it be judicially determined that any word, phrase, clause, sentence, paragraph, section or part in or of this Ordinance or the application thereof to any person or circumstances is invalid, the remaining provisions and the appli-

cation of such provisions to other persons or circumstances shall not be affected thereby, the Mayor and City Council hereby declaring that they would have ordained the remaining provisions of this Ordinance without the word, phrase, clause, sentence, paragraph, section or part or the application thereof so held invalid.

SEC. 18. *And be it further ordained*, That in any case where a provision of this Ordinance concerns the same subject matter as an existing provision of any zoning, building, electrical, plumbing, health, fire or safety ordinance or code or regulation, the applicable provisions concerned shall be construed so as to give effect to each; provided, however, that if such provisions are found to be in irreconcilable conflict, the provision which establishes the higher standard for the promotion of the public health and safety shall prevail. In any case where a provision of this Ordinance is found to be in conflict with an existing provision of any other ordinance or code or regulation in force in the City of Baltimore which establishes a lower standard for the promotion and protection of the public health and safety, the provision of this Ordinance shall prevail, and the other existing provision of such other ordinance or code or regulation is hereby repealed to the extent that it may be found in conflict with this Ordinance.

SEC. 19. *And be it further ordained*, That this ordinance shall take effect from the date of its passage.

Approved July 2, 1981.

WILLIAM DONALD SCHAEFER, *Mayor*.

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No. 400

(Council No. 624)

AN ORDINANCE concerning

URBAN RENEWAL—UPTON—  
AMENDMENT NO. 9

FOR the purpose of amending the Urban Renewal Plan for Upton to, among other things, (1) authorize the acquisition of certain properties by the Mayor and City

Council of Baltimore; (2) modify the boundaries of certain existing disposition lots, recommend closing certain streets or alleys or portions thereof, create new disposition lots, and indicate utility easements; (3) delete standards and controls established for certain existing disposition lots; (4) make certain land use changes and revise language in the Plan regarding permitted uses; (5) recommend certain zoning district changes and provide that the approval of Amendment No. 9 shall not be construed as an enactment of said amendments to the Zoning Ordinance of Baltimore City as proposed herein; (6) revise the Commercial Rehabilitation Standards and establish exterior rehabilitation standards to be applied to all non-residential properties within the Pennsylvania Avenue Business District; (7) provide a penalty for violation of these standards; (8) provide for the Department of Housing and Community Development review and approval of rehabilitation plans and provide design objectives to be used by the Department in reviewing plans for development; (9) revise language in the Plan regarding review of permits; (10) revise certain Appendices and Exhibits attached to the Urban Renewal Plan to reflect changes being proposed in Amendment No. 9; (11) waive such requirements, if any, as to content or procedure for the preparation, adoption and approval of renewal plans as set forth in Article 13 of the Baltimore City Code (1976 Edition, as amended) which the Urban Renewal Plan for Upton may not meet; (12) provide for the separability of the various parts and applications of this ordinance; (13) provide that where the provisions of this ordinance shall conflict with any other ordinance, code or regulation in force in the City of Baltimore, the provision which establishes the higher standard shall prevail; and (14) provide for an effective date hereof.

WHEREAS, an Urban Renewal Plan for the Upton area was first approved by the Mayor and City Council of Baltimore by Ordinance No. 794, dated May 22, 1970, and last amended by Ordinance No. 1064, dated June 20, 1979; and

WHEREAS, pursuant to Article 13 of the Baltimore City Code (1976 Edition, as amended), no substantial change



or changes shall be made in any renewal plan, after approval by ordinance, without such change or changes first being adopted and approved in the same manner as set forth in said Article 13 for the approval of a renewal plan, namely the preparation of such change or changes by the Department of Housing and Community Development, the approval of such change or changes by the Director of the Department of Planning, and approval and adoption by an ordinance of the Mayor and City Council of Baltimore after a public hearing in relation thereto, all in the manner set forth in said Article 13; and

WHEREAS, extensive changes in the Urban Renewal Plan make it infeasible to make line-by-line changes; therefore, the Department of Housing and Community Development has prepared an amended Urban Renewal Plan for Upton; and

WHEREAS, said amended Urban Renewal Plan for Upton has been approved by the Director of the Department of Planning with respect to its conformity as to the Master Plan, the detailed location of any public improvements proposed in the amended Renewal Plan, its conformity to the rules and regulations for subdivision, and all zoning changes proposed in the amended Renewal Plan; and said amended Renewal Plan has been approved and recommended to the Mayor and City Council of Baltimore by the Commissioner of the Department of Housing and Community Development; now, therefore,

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That the amended Urban Renewal Plan for Upton, identified as "Urban Renewal Plan, Upton . . . revised to include Amendment No. 9, dated March 18, 1981", is hereby approved and the Clerk of the City Council is hereby directed to file a copy of said amended Urban Renewal Plan with the Department of Legislative Reference as a permanent public record and make the same available for public inspection and information.

SEC. 2. *And be it further ordained*, That it is necessary to acquire, by purchase or by condemnation, for urban renewal purposes, the fee simple interest or any lesser interest in and to certain properties or portions thereof,

together with all right, title, interest and estate that the owner or owners of said property interests may have in all streets, alleys, ways or lanes, public or private, both abutting the whole area described and/or contained within the perimeter of said area, situate in Baltimore City, Maryland, and described as follows:

1600 Division Street (rear 20 feet, more or less)

1602 Division Street (rear 20 feet, more or less)

SEC. 3. *And be it further ordained*, That the Real Estate Acquisition Division of the Department of the Comptroller, or such person or persons and in such manner as the Board of Estimates, in the exercise of the power vested in it by Article V, Section 5, of the Baltimore City Charter, may hereafter from time to time designate, is or are authorized to acquire on behalf of the Mayor and City Council of Baltimore and for the purposes described in this ordinance, the fee simple interest or any lesser interest in and to the properties or portions thereof hereinabove mentioned. If the said Real Estate Acquisition Division of the Department of the Comptroller, or such person or persons, and in such manner as the Board of Estimates in the exercise of the power vested in it by Article V, Section 5 of the Baltimore City Charter may hereafter from time to time designate, is or are unable to agree with the owner or owners on the purchase price for said properties or portions thereof, it or they shall forthwith notify the City Solicitor of Baltimore City, who shall thereupon institute in the name of the Mayor and City Council of Baltimore the necessary legal proceedings to acquire by condemnation the fee simple interest or any lesser interest in and to said properties or portions thereof.

SEC. 4. *And be it further ordained*, That the boundaries of certain existing disposition lots shall be modified, certain streets or alleys or portions thereof shall be recommended to be closed, new lots shall be created, and utility easements shall be designated, all as shown in the amended Urban Renewal Plan Exhibit 4a., Land Disposition Map with Utility Easements, dated as revised 3/18/81.

SEC. 5. *And be it further ordained*, That the standards and controls to be deleted from certain existing disposition

lots, as contained in the amended Urban Renewal Plan under Section C.2.b., Regulations, Controls, and Restrictions on Land to be Acquired, dated as revised March 18, 1981, are hereby approved.

SEC. 6. *And be it further ordained*, That the proposed land use changes shown in the amended Urban Renewal Plan on Exhibit 2, Land Use Plan Map, dated as revised 3/18/81, and the revised language in the amended Urban Renewal Plan under Section C.2.a., Permitted Uses, are hereby approved.

SEC. 7. *And be it further ordained*, That the approval of Amendment No. 9 to the Urban Renewal Plan for Upton shall not be construed as an enactment of the amendments to the Zoning Ordinance of Baltimore City that are proposed in said Amendment No. 9, as shown in the amended Urban Renewal Plan on Exhibit 5, Zoning Districts Map, dated as revised 3/18/81.

SEC. 8. *And be it further ordained*, That the provisions set forth in the amended Urban Renewal Plan under Commercial Rehabilitation Standards, shall be revised. Therefore, Ordinance No. 794, approved May 22, 1970, under Section 7, beginning on Page 55, line 6 and ending on Page 60, line 23, and Ordinance No. 88, approved June 21, 1972, under Section 4, beginning on Page 7, line 1 and ending on Page 8, line 15, are hereby amended to read as follows:

(1) Windows [in non-residential structures] not in the front of buildings shall be kept properly repaired or with Fire Department approval the openings may be closed, in which case sills and frames must be removed and the opening properly closed to match the material, design and finish of the adjacent wall.

[(a)] (2) All structural and decorative elements of building fronts shall be repaired or replaced in a workmanlike manner to match as closely as possible the existing materials and construction.

[(b)] (3) All windows must be tight-fitting and have sashes of proper size and design. Sashes with rotten wood,



broken joints, or broken or loose mullions or muntins shall be replaced. All broken and missing windows shall be glazed. All exposed wood shall be repaired and painted.

[(c)] (4) Window openings in upper floors of the front of the building shall not be filled or boarded-up except when covered with toned plexiglass or equal material. Windows in unused areas of the upper floors should have an opaque or solid surface as security may require on the inside of the glass. If the building front is redesigned and completely renovated or rebuilt, the trim may be removed and openings closed under plans approved by the Department of Housing and Community Development.

[(2)] (5) Floors and floor covering in kitchen and bathrooms shall be durable, waterproof, non-absorptive material, such as asphalt, vinyl-asbestos, vinyl-plastic, rubber or ceramic tiles, terrazzo or linoleum. Wood finish flooring in these rooms is not acceptable.

[(3)] (6) [All cornices shall be made structurally sound and rotted or weakened portions shall be removed and repaired or replaced to match as closely as possible the existing patterns. All exposed wood shall be painted.] *All cornices, upper story windows and all other portions of a building containing wood trim shall be made structurally sound. Rotten or weakened portions shall be removed and repaired or replaced to match as closely as possible the original patterns. All exposed wood shall be painted or stained, or otherwise treated for protection.*

[(4)] (7) A [show window] storefront as part of the building facade shall be defined to include the building face and the entrance area leading to the door, the door and sidelights and transoms and all display platforms and devices including lighting and signing designed to be viewed from the public right-of-way and/or the areas visible to the public prior to entering the interior portion of the structure.

[(a)] (8) Show windows, entrances, signs, lighting, sun protection, security grilles, etc., shall be designed to be compatible and harmonious and consistent with the scale and character of the existing structures.

**[(b)] (9)** Enclosures and housings for security grilles and sun screens should be as inconspicuous as possible and compatible with other elements of the facade.

**[(c)] (10)** All exposed portions of the grille, screen or enclosure which are painted in normal practice and all portions which require painting to preserve, protect or renovate the surface shall be painted.

**[(d)] (11)** All screens and grilles must be constructed so they can be opened or removed.

**[(e)] (12)** Rigid or fixed awnings or sun screens shall not be placed on any portion of a non-residential building except that such fixed awnings or sun screens may be permitted by the Department of Housing and Community Development.

### **[(5)] (13) Signs**

#### **(a) Flat Signs**

i. Flat signs shall not project more than 12" from the surface of the building except that where the first floor extends beyond the building line as allowed by a minor privilege permit, a sign may be placed even with such extended building surface or any location to the rear of this position providing it is in compliance with all other applicable requirements.

ii. Flat signs shall not exceed in area three times the width in feet of the frontage of the building. *In the case of corner properties, each facade is to be calculated separately as to size allowed for each.*

iii. Flat signs except secondary signs shall be placed no higher than the bottom of second story windows where windows exist or fifteen feet above the curb level, whichever is lower, and they shall not be lower than ten feet above the mean curb level **[.]**, *or at a location in scale with the building facade as approved by the Department of Housing and Community Development.*

#### **(b) Projecting Signs**

i. Projecting signs shall not extend more than three feet beyond the building surface.

ii. A projecting sign shall not extend higher than fifteen feet above mean curb level nor below ten feet above mean curb level.

iii. There shall be no more than one projecting sign for each establishment.

(c) *Painted Signs*

Painted signs on building surfaces *or use of separate cutout letters* shall be permitted in accordance with the above sign limits [.] *for flat signs.*

(d) *Secondary Signs*

Non-illuminated secondary signs shall be permitted for the identification of commercial tenants occupying the upper floors of a building. Such signs shall not exceed one (1) square foot in area and shall not project more than one inch beyond the surface of the building [.] *nor shall they be placed higher than 15 feet above grade level.*

Signs for the purpose of directing motorists to the entrance of an off-street parking area shall be permitted on the sides of buildings. Such signs shall not exceed 6 square feet in area and shall be limited to one (1) per building.

(e) *Roof Top Signs*

Roof top signs, signs above the parapet of the building, billboards and outdoor advertising shall not be permitted.

[However, nothing contained in this sub-section shall apply to all such existing billboards and outdoor advertising structures until the land on which they stand has actually been sold by the City of Baltimore for redevelopment or the City of Baltimore has disposed of a lot for redevelopment within fifty (50) feet of such a structure and the purchaser requests that the structure be removed. The owner of the structure shall continue to pay all taxes and fees to the City of Baltimore until such removal is effectuated.]

Nothing in this subsection shall be construed to in any way limit the placement of outdoor advertising and billboards in those areas where the Board of Municipal and Zoning Appeals has original jurisdiction.]



(f) *Awning Signs*

Painted or inlaid signs on cloth awnings are permitted.

(g) *Flashing or Moving Signs*

Flashing or moving signs other than barber poles shall not be permitted.

[(6)] (14) *Non-conforming Conditions*

(a) *Signs*

All non-conforming signs shall be removed at the end of a three year period from the date of enactment of this Plan by the Mayor and City Council of Baltimore.

All minor privilege permits for existing signs shall be rescinded by the Board of Estimates to take effect on said date and no future minor privilege permits for signs shall be approved in the Upton Urban Renewal Project area except upon certification by the Commissioner of the Department of Housing and Community Development that the sign meets project design criteria.

(b) *Building Elements*

All non-conforming building elements such as fixed grilles and boarded-up windows must be changed at the end of a three year period from the date of enactment of this Plan by the Mayor and City Council of Baltimore.

[(7)] (15) All of the provisions set forth herein and in Ordinance No. 92, approved June 10, 1968, shall be complied with whether the property is occupied or vacant.

*As of the effective date of the ordinance approving Amendment No. 9, and in addition to the above General Provisions, except that the Projecting Sign Provisions shall not apply, all non-residential properties within the area designated as the "Pennsylvania Avenue Business District" shall be subject to the exterior rehabilitation standards set forth in Appendix C, Section 2 of the Urban Renewal Plan. The Pennsylvania Avenue Business District generally includes the 1500 through 1800 blocks of Pennsylvania Avenue and the 500 and 600 blocks of Laurens Street. Addresses of specific properties comprising the Pennsylvania Avenue Business District are listed in Appendix C, Section 1 of the Urban Renewal Plan.*

SEC. 9. *And be it further ordained*, That in addition to the Commercial Rehabilitation Standards in Section D.2. of the amended Urban Renewal Plan, the following additional standards shall be applied to all non-residential properties, whether occupied or vacant, within the Pennsylvania Avenue Business District.

A. *Building Fronts and Sides Abutting Streets*

All defective structural and decorative elements of building fronts and sides abutting streets shall be repaired or replaced in a workmanlike manner to match as closely as possible the original materials and construction of that building. All damaged, sagging or otherwise deteriorated storefronts, show windows or entrances shall be repaired or replaced.

All show window elements must be located within 13 feet of grade on buildings proposed for construction or substantial rehabilitation subsequent to the effective date of the ordinance approving Amendment No. 9 to this Plan.

Storefronts on single story buildings shall be designed for the full height to the cornice unless existing traditional architectural elements are present, in which case the new construction shall be harmonious with those elements. Cornice lines shall be maintained.

Adjoining buildings used by the same occupant shall be rehabilitated in a unified and harmonious manner. Each building shall be rehabilitated and repaired with materials and in a manner consistent with the original construction techniques where feasible.

Non-metal grilles and screens shall be prohibited. All screens and grilles shall be opened or removed during the normal business hours of that business.

Show windows shall not be painted for advertising purposes, but may be painted for authorized identification of the place of business when authorized by the Department of Housing and Community Development.

No temporary or permanent sign affixed or placed against the inside surface of a show window shall exceed 20% of the area of that show window.

Decalcomanias one square foot or less in area may be affixed to show windows or entrance door windows when same are supplied by credit card companies and carry no text or message other than the identification of such companies.

New storefront designs must contain show windows. These windows must have sills no higher than 36" above the sidewalk. The amount of window area of an existing storefront must not be reduced unless approved by the Commissioner of the Department of Housing and Community Development. Show windows may be backed by a solid surface only if it is incorporated into a display window. Existing closed up storefronts must be changed to conform to the above conditions.

Shutters may be provided on windows above the first floor level in the front of the buildings. They shall be constructed of wood and affixed to the wall by either a metal latch or be held permanently open (fastened to the wall). Fixed closed shutters may be used on upper floors or side windows as an alternative to blocking in or securing such window. The use of shutters shall be approved prior to installation by the Department of Housing and Community Development and shall not be allowed in cases where shutters would be unharmonious with the design of the building.

All exterior front or side walls which have not been wholly or partially resurfaced or built over shall be repaired and cleaned or painted in an acceptable manner. Brick walls shall be pointed where necessary. Painted masonry walls shall have loose material removed and be painted a single color except for trim which may be another color. Patched walls shall match the existing adjacent surfaces as to materials, color, bond and joining.

Materials used on storefronts shall be consistent with the character of other buildings in the Business Area as well as other materials used on the building itself. Other factors such as durability, ease of maintenance and historical accuracy of materials shall be considered in relation to future material installations. Formstone, aluminum siding, real or simulated woodshakes, pebble-faced plywood, Z-brick, or any other material not approved by the Commissioner



of the Department of Housing and Community Development, shall not be permitted for any future use. Existing corrugated metal facing shall be cleaned, or, with approval of the Commissioner, painted a duranodic bronze color. Corrugated metal facing may be used in the future provided it is of a duranodic bronze finish. Existing aluminum siding shall be removed. Projecting mansard style overhangs are not permitted.

Dormer windows on roofs sloping toward the shopping street shall be treated in accordance with the same criteria as building fronts.

Existing miscellaneous elements on the building fronts, such as empty electrical or other conduits, unused sign brackets, etc., shall be eliminated.

Sheet metal gutters and downspouts shall be repaired or replaced as necessary and shall be neatly located and securely installed. Gutters and downspouts shall be painted to harmonize with the other building front colors.

No new mechanical equipment shall be allowed to project through building fronts.

No dumpsters or rubbish containers shall be exposed at the fronts of buildings except those specifically designed and intended for public use.

#### B. *Awnings*

(a) Soft, retractable awnings are encouraged over the first floor and on the upper floors over windows only.

(b) They must be flameproofed.

(c) They shall not project more than seven (7) feet from the building front and shall otherwise conform with the provisions of City ordinances.

(d) They shall terminate against the building at a height not to exceed thirteen (13) feet above the pavement, or one inch below the second floor window sill, whichever is lower.

(e) Rigid or fixed awnings, sun screens or permanent canopies are not permitted on any portion of the building front.

### C. *Rear and Side Walls*

(1) Rear and side walls shall be repaired and painted to present a neat and fresh appearance. Rear walls shall be painted to cover evenly all miscellaneous patched and filled areas or be stuccoed to present an even and uniform surface.

(2) Side walls, where visible from any of the streets, shall be finished or painted so as to harmonize with the front of the building.

### D. *Roofs*

(1) Chimneys, elevator penthouses or any other auxiliary structures on the roofs shall be repaired and cleaned as required for rear and side walls. Any construction visible from the street or from other buildings shall be finished so as to be harmonious with other visible building walls.

(2) Any new mechanical equipment placed on a roof shall be so located as to be hidden from view from the shopping streets, and to be as inconspicuous as possible from other viewpoints. New equipment shall be screened with suitable elements of a permanent nature, finished so as to harmonize with the rest of the building. Where such screening is infeasible, equipment shall be installed in a neat, presentable manner, and shall be painted in such a manner as to minimize its visibility.

(3) Television and radio antennae shall be located so as to be as inconspicuous as possible.

(4) Roofs shall be kept free of trash, debris, or any other element which is not a permanent part of the building or a functioning element of its mechanical or electrical system.

### E. *Auxiliary Structures*

Structures at the rears of buildings, attached or unattached to the principal commercial structure, which are structurally deficient, shall be properly repaired or demolished.

## F. *Rear Yards*

Where a rear yard exists or is created through the demolition of structures, the owner shall condition the open area in one of two ways as outlined below.

### (1) *Enclosure of Yards*

A rear yard may be enclosed along side and rear property lines by a masonry wall, consistent and harmonious in design with the rear walls of the building. Solid doors or solid gates may be used to the extent necessary for access and delivery. Such walls must be not less than five feet nor more than five feet six inches in height. Use of barbed wire or broken glass on top of walls shall not be permitted.

### (2) *Provision of Parking Area*

An unenclosed rear yard may be used as a parking or loading area providing that it is properly paved, illuminated and maintained. A sign not exceeding six (6) square feet may be used to identify and control parking and loading. The building occupant shall be responsible for maintenance of the parking area in a neat and clean manner. No storage of trash containers shall be allowed in this area except when housed in permanent structures of acceptable design.

## G. *Signs*

Existing signs may remain, provided they conform to this ordinance. No signs other than those identifying the property where they are installed or identifying the use conducted therein shall be permitted. Advertising by material or product manufacturers shall not be permitted except as primary identification of an establishment. A logo (decorative initial, trademark, symbol, etc.) may also be used as part of the sign.

All lighting and electrical elements such as wires, conduits, junction boxes, transformers, ballasts, switches and panel boxes shall be concealed from view as much as possible.

Lettering applied to ground floor show windows or entrance doors shall not exceed two and one-half (2½)



inches in height, and the text limited to identification of the business. Signs identifying the occupant shall be permitted at rear entrance doors but shall not exceed six square feet in size, except where authorized by the Department of Housing and Community Development.

~~Roof top signs, signs above the parapet of a building, billboards, or outdoor advertising signs painted or mounted on structures other than billboards, except as otherwise herein provided, shall not be permitted.~~

~~All existing rooftop and facade-mounted sign brackets and hardware shall be removed.~~

Marquees shall not be allowed on buildings other than existing operating theatres.

No projecting signs shall be permitted on any portion of a building. All existing projecting signs including brackets and hardware shall be removed. Projecting flexible banners shall be permitted above the first floor with a limit of one per building. Banners may only include graphic symbols and must be free of verbiage. The design of all banners must be reviewed and authorized by the Department of Housing and Community Development prior to installation.

#### H. *Lighting*

(1) The following lighting methods are not permitted:

- (a) Exposed fluorescent lighting.
- (b) Exposed quartz or mercury vapor lamps.
- (c) Exposed incandescent lamps other than low wattaged, purely decorative lighting.

The following lighting methods are permitted:

(a) Fully recessed downlights or wallwashers in projecting metal box. Box must run full length of storefront at top of sign area.

(b) Shielded fluorescent lamps with diffusers in projecting metal box. Box must run full length of storefront at top of sign zone.

(c) "Gooseneck incandescents", porcelain enamel reflector on bent metal tube arm. Housing to prevent glare at pedestrian eyeline.

(d) Internally illuminated (except projecting signs) or back-lit (halo) letters.

### *I. Footways*

Footways adjacent to all properties within the area boundaries shall be maintained in a manner consistent with applicable Baltimore City Codes. In addition, when required, footways shall be repaired or replaced to present a neat and even appearance and in a manner that is compatible with the materials, design and finish of adjacent footway surfaces.

### *J. Off-Street Parking Requirements*

(1) Parking spaces shall be provided on all lots for development as established in the Zoning Ordinance of Baltimore City, or in such lesser amount as may be authorized by the Board of Municipal and Zoning Appeals as a Special Exception or Variance. In addition to these requirements, off-street parking areas shall be visually screened from public streets and adjacent properties.

(2) All required parking spaces shall be provided with the proper ingress and egress to a public street or alley by means of access drives and aisles.

(3) All parking facilities shall be effectively screened. Screening shall consist of a masonry wall or durable fence, or combination thereof, not less than four (4) feet in height; in lieu of such wall or fence, a compact ever-green hedge of not less than four (4) feet in height at time of original planting may be used. Screening and landscaping shall be maintained in good condition and shall be so designed and placed so as not to obstruct vehicle sight distances at entrances and exits. The design of the lot screening shall be approved by the Department of Housing and Community Development.

(4) All exterior (surface) parking areas shall be paved with a hard, dust-free surface, and shall be properly illuminated.

### K. *Period of Compliance*

To the extent that rehabilitation requirements for commercial uses are specifically applicable to the Pennsylvania Avenue Business District and are not generally required elsewhere, the work necessary to meet such requirements shall be completed by December 31, 1982, ~~except that billboards larger than sixty square feet shall be removed within five years from the date of enactment of the ordinance approving Amendment No. 9 to this Plan.~~ No work, alterations or improvements shall be undertaken after enactment of the ordinance approving Amendment No. 9 to this Plan which do not conform with the requirements herein.

Nothing herein shall be construed to permit any sign, construction, alteration, change, repair, use or any other matter otherwise forbidden or restricted or controlled by any other public law.

SEC. 10. *And be it further ordained,* That any person guilty of violating the provisions contained in Sections 8 and 9 of this Ordinance shall be guilty of a misdemeanor and shall be subject to a fine not exceeding One Hundred Dollars (\$100.00), and that each day's violation shall constitute a separate offense.

SEC. 11. *And be it further ordained,* That the addition of provisions concerning Design Review and Approval, as contained in the amended Urban Renewal Plan under Section D.2.a., and Review of Developer's Plans, as contained under Section D.7. of the amended Urban Renewal Plan, dated as revised March 18, 1981, are hereby approved.

SEC. 12. *And be it further ordained,* That the revised language governing review of permits by the Department of Housing and Community Development, as contained in the amended Urban Renewal Plan under Section D.7., dated as revised March 18, 1981, is hereby approved.

SEC. 13. *And be it further ordained,* That Appendices A and B of the amended Urban Renewal Plan shall be deleted and that the following Appendices and Exhibits are hereby approved: Appendix A: Structures to be Ac-



quired and Removed; Appendix B: Properties For Acquisition and Disposition for Residential Rehabilitation; Appendix C: Pennsylvania Avenue Business District: Properties and Exterior Rehabilitation Standards; Exhibit 2, Land Use Plan Map; Exhibit 3, Property Acquisition Map; Exhibit 4a, Land Disposition Map with Utility Easements; and Exhibit 5, Zoning District Map, all dated as revised 3/18/81.

SEC. 14. *And be it further ordained*, That in whatever respect, if any, the said amended Renewal Plan approved hereby may not meet the requirements as to the content of a renewal plan or the procedures for the preparation, adoption, and approval of renewal plans, as provided in Article 13 of the Baltimore City Code (1976 Edition, as amended), the said requirements are hereby waived and the amended Renewal Plan approved hereby is exempted therefrom.

SEC. 15. *And be it further ordained*, That in the event it be judicially determined that any word, phrase, clause, sentence, paragraph, section or part in or of this ordinance, or the application thereof to any person or circumstances is invalid, the remaining provisions and the application of such provisions to other persons or circumstances shall not be affected thereby, the Mayor and City Council hereby declaring that they would have ordained the remaining provisions of this ordinance without the word, phrase, clause, sentence, paragraph, section or part, or the application thereof so held invalid.

SEC. 16. *And be it further ordained*, That in any case where a provision of this ordinance concerns the same subject matter as an existing provision of any zoning, building, electrical, plumbing, health, fire or safety ordinance or code or regulation, the applicable provisions concerned shall be construed so as to give effect to each; provided, however, that if such provisions are found to be in irreconcilable conflict, the provision which establishes the higher standard for the promotion of the public health and safety shall prevail. In any case where a provision of this ordinance is found to be in conflict with an existing provision of any other ordinance or code or regulation in

force in the City of Baltimore which establishes a lower standard for the promotion and protection of the public health and safety, the provision of this ordinance shall prevail, and the other existing provision of such other ordinance or code or regulation is hereby repealed to the extent that it may be found in conflict with this ordinance.

SEC. 17. *And be it further ordained*, That this ordinance shall take effect from the date of its passage.

Approved July 2, 1981.

WILLIAM DONALD SCHAEFER, *Mayor*.

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No. 401

(Council No. 625)

AN ORDINANCE concerning

PRESERVATION DISTRICT—BUTCHER'S HILL

FOR the purpose of providing that the area located within certain described boundaries shall be the Butcher's Hill Historical and Architectural Preservation District.

BY adding

Article 1—Mayor, City Council and Municipal Agencies

Subtitle—Commission for Historical and Architectural  
Preservation

Section—40(11)

Baltimore City Code (1976 Edition, as amended)

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That Section(s) of the Baltimore City Code (1976 Edition, as amended) be added, repealed, or amended to read as follows:

Article 1. Mayor, City Council and Municipal Agencies  
Commission for Historical and Architectural Preservation

#### 40. Created, powers, duties

##### (11) *Butcher's Hill Historical and Architectural District.*

*Beginning for the same at the southeastern intersection of North Chester Street and Moyer Street; Thence binding easterly on Moyer Street 60'3" more or less to intersect a 9'9" alley running parallel to North Chester Street; Thence binding southernly on said alley 53'9" more or less to intersect a 10' alley running parallel to East Baltimore Street 100' north of East Baltimore Street; Thence binding easterly on the southern edge of said alley 160' more or less to intersect North Duncan Street; Thence crossing North Duncan Street and binding easterly 84' more or less on the northern outlines of the properties known as 2122 through 2130 East Baltimore Street; Thence binding southernly 12' more or less on the eastern outline of the property known as 2130 East Baltimore Street to intersect the northern outline of the property known as 2132 East Baltimore Street; Thence binding easterly 69' more or less on the northern outlines of the properties known as 2132 through 2140 East Baltimore Street to intersect North Collington Avenue; Thence crossing North Collington Avenue and binding easterly 140' more or less on the northern outlines of the properties known as 2200 through 2216 East Baltimore Street to intersect North Madeira Street; Thence crossing North Madeira Street and binding easterly 82'6" more or less on the northern outlines of the properties known as 2234 through 2240 East Baltimore Street and the northern outline of the property known as 2 North Patterson Park Avenue to intersect North Patterson Park Avenue; Thence binding southernly on Patterson Park Avenue 245' more or less to a point 96' from the southwestern intersection of East Baltimore Street and South Patterson Park Avenue; Thence binding westernly 85'2" more or less on the southern outline of the property known as 2 South Patterson Park Avenue and the southern outlines of the properties known as 2231 through 2237 East Baltimore Street; Thence binding southernly 3' more or less on a brick alley running parallel to East Baltimore Street 96' south of East Baltimore Street; Thence binding westernly 15' more or less on the southern outline of the property known as 2229½ East Baltimore Street to inter-*



*sect the eastern outline of the property known as 2229 East Baltimore Street; Thence binding on the dividing line between the property known as 2229 East Baltimore Street and the properties known as 6 through 10 South Patterson Park Avenue in a southerly direction 51' more or less to intersect Boyer Street; Thence binding westernly on Boyer Street 139' more or less to intersect the dividing line between the properties known as 2215 East Baltimore Street and 2214 Boyer Street; Thence binding on said dividing line northernly 66' more or less; Thence binding westernly 72' more or less on the southern outlines of the properties known as 2207 through 2213 East Baltimore Street; Thence binding southernly 5'8" more or less on the eastern outline of the property known as 2205 East Baltimore Street; Thence binding westernly 53' more or less on the southern outline of the properties known as 2201 through 2205 East Baltimore Street to intersect South Collington Avenue; Thence crossing South Collington Avenue and binding westernly 80' more or less on a 10' alley running parallel with East Baltimore Street 80' south of East Baltimore Street; Thence binding southernly 20' more or less on the eastern outline of the property known as 2119 East Baltimore Street to intersect the dividing line between said property and the property known as 2122 Boyer Street; Thence binding westernly on said dividing line 17'6" more or less; Thence binding southernly 50' more or less on the dividing line between the properties known as 2122 Boyer Street and 2115-2117 East Baltimore Street to intersect Boyer Street; Thence binding westernly 26' more or less on Boyer Street to intersect South Duncan Street; Thence binding northernly 50' more or less on South Duncan Street to intersect a 10' alley running parallel with East Baltimore Street 100' south of East Baltimore Street; Thence binding on said alley westernly 123' more or less to intersect South Chester Street; Thence binding northernly on Chester Street 232' more or less to the place of the beginning.*

SEC. 2. *And be it further ordained, That this ordinance shall take effect 30 days from the date of its passage.*

**Approved July 2, 1981.**

**WILLIAM DONALD SCHAEFER, Mayor.**

## No. 402

(Council No. 627)

## AN ORDINANCE concerning

CITY STREET—OPENING CERTAIN STREETS  
AND ALLEYS IN THE RETAIL DISTRICT  
URBAN RENEWAL PROJECT

FOR the purpose of condemning and opening certain streets and alleys lying within the area of the Retail District Urban Renewal Project in accordance with a plat thereof numbered 340-A-4 prepared by the Surveys and Records Division and filed in the Office of the Department of Public Works, on the Thirteenth (13th) day of March, 1981.

BY authority of

Article I—General Provisions

Section—4

Article II—General Provisions

Sections—2, 34, 35

Baltimore City Charter (1964 Revision, as amended).

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That the Department of Public Works be, and they are hereby authorized and directed to condemn and open certain streets and alleys lying within the area of the Retail District Urban Renewal Project the streets and alleys hereby directed to be condemned for said opening being described as follows:

Sheet 1 of 2 includes Clay Street, varying in width from 20 feet to 21.50 feet, and extending from Howard Street, Westerly 189 feet, more or less, to the easternmost extremity of the former bed of Clay Street, as authorized to be closed and designated as Parcel No. 1 and Kimmel Alley, 20 feet wide, laid out 168.63 feet west of Howard Street, and extending from Saratoga Street, Southerly 200 feet, more or less, to Clay Street and designated as Parcel No. 2.

Sheet 2 of 2 includes all streets and alleys referred to among the Land Records of Baltimore City that lie within

the area bounded by Eutaw Street, Marion Street, Paca Street, and Lexington Street said streets and alleys are numbered from one to five on said Sheet No. 2 and described as follows:

1—Welsh Alley, 12 feet wide, and extending from Lexington Street, Southerly 186 feet, more or less, to Marion Street, and designated as Parcel No. 1.

2—Jasper Street, 12 feet wide, and extending from Lexington Street, Southerly 63 feet, more or less, to the end thereof and designated as Parcel No. 2.

3—An alley, varying in width from 3 feet to 6 feet, laid out in the rear of the properties known as No.'s 401 through and including No. 407 West Lexington Street and extending from Eutaw Street, Westerly 80 feet, more or less, to the line of the west outline of the property known as No. 407 West Lexington Street, if extended southerly and designated as Parcel No. 3.

4—An alley, 4 feet wide, laid out 59 feet south of Lexington Street and extending from Jasper Street, Easterly 32 feet, more or less, to the line of the east outline of the property known as No. 409 West Lexington Street, if extended southerly and designated as Parcel No. 4.

5—An alley, 4 feet wide, laid out 59 feet south of Lexington Street and extending from Jasper Street, Westerly 35 feet, more or less, to the west outline of the property known as No. 415 West Lexington Street and designated as Parcel No. 5.

the said streets and alleys as directed to be condemned being more particularly described and referred to among the Land Records of Baltimore City and delineated and particularly shown on a plat numbered 340-A-4 which was filed in the Office of the Department of Public Works on the Thirteenth (13th) day of March, in the year 1981, and is now on file in said Office.

SEC. 2. *And be it further ordained*, That the proceedings of said Department of Public Works, with reference to the condemnation and opening of said streets and alleys and the proceedings and rights of all parties interested or af-



fectured thereby, shall be regulated by, and be in accordance with, any and all applicable provisions of Article 4 of the Code of Public Local Laws of Maryland and the Charter of Baltimore City (1964 Revision) as amended to July 1, 1973 and any and all amendments thereto, and any and all other Acts of the General Assembly of Maryland, and any and all ordinances of the Mayor and City Council of Baltimore, and any and all rules or regulations in effect which have been adopted by the Director of Public Works and filed with the Department of Legislative Reference.

SEC. 3. *And be it further ordained*, That this Ordinance shall take effect from the date of its passage.

Approved July 2, 1981.

WILLIAM DONALD SCHAEFER, *Mayor*.

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No. 403

(Council No. 628)

AN ORDINANCE concerning

CITY STREET—CLOSING CERTAIN STREETS  
AND ALLEYS IN THE RETAIL DISTRICT  
URBAN RENEWAL PROJECT

FOR the purpose of condemning and closing certain streets and alleys lying within the area of the Retail District Urban Renewal Project in accordance with a plat thereof numbered 340-A-4A prepared by the Surveys and Records Division and filed in the Office of the Department of Public Works, on the Thirteenth (13th) day of March, 1981.

BY authority of

Article I—General Provisions

Section—4

Article II—General Provisions

Sections—2, 34, 35

Baltimore City Charter (1964 Revision, as amended)

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That the Department of Public Works be, and they are hereby authorized and directed to condemn and close certain streets and alleys lying within the area of the Retail District Urban Renewal Project the streets and alleys hereby directed to be condemned for said closing being described as follows:

Sheet 1 of 2 includes Clay Street, varying in width from 20 feet to 21.50 feet, and extending from Howard Street, Westerly 189 feet, more or less, to the easternmost extremity of the former bed of Clay Street, as authorized to be closed and designated as Parcel No. 1 and Kimmel Alley, 20 feet wide, laid out 168.63 feet west of Howard Street, and extending from Saratoga Street, Southerly 200 feet, more or less, to Clay Street and designated as Parcel No. 2.

Sheet 2 of 2 includes (1) all streets and alleys referred to among the Land Records of Baltimore City that lie within the area bounded by Eutaw Street, Marion Street, Paca Street and Lexington Street and (2) Lexington Street from Eutaw Street to Paca Street said streets and alleys are numbered from one to six on said Sheet No. 2 and described as follows:

1—Welsh Alley, 12 feet wide, and extending from Lexington Street, Southerly 186 feet, more or less, to Marion Street, and designated as Parcel No. 1.

2—Jasper Street, 12 feet wide, and extending from Lexington Street, Southerly 63 feet, more or less, to the end thereof and designated as Parcel No. 2.

3—An alley, varying in width from 3 feet to 6 feet, laid out in the rear of the properties known as No.'s 401 through and including No. 407 West Lexington Street and extending from Eutaw Street, Westerly 80 feet, more or less, to the line of the west outline of the property known as No. 407 West Lexington Street, if extended southerly and designated as Parcel No. 3.

4—An alley, 4 feet wide, laid out 59 feet south of Lexington Street and extending from Jasper Street, Easterly 32 feet, more or less, to the line of the east outline of the property known as No. 409 West Lexington Street, if extended southerly and designated as Parcel No. 4.

5—An alley, 4 feet wide, laid out 59 feet south of Lexington Street and extending from Jasper Street, Westerly 35 feet, more or less, to the west outline of the property known as No. 415 West Lexington Street and designated as Parcel No. 5.

6—Lexington Street, 73 feet wide, and extending from Eutaw Street, Westerly 303.4 feet, more or less, to Paca Street and designated as Parcel No. 6.

Said streets and alleys are more particularly described and referred to among the Land Records of Baltimore City. the said streets and alleys as directed to be condemned being more particularly described and referred to among the Land Records of Baltimore City and delineated and particularly shown on a plat numbered 340-A-4A which was filed in the Office of the Department of Public Works on the Thirteenth (13th) day of March, in the year 1981, and is now on file in said Office.

SEC. 2. *And be it further ordained*, That after said highway or highways shall have been closed under the provisions of this Ordinance, all subsurface structures and appurtenances now owned by the Mayor and City Council of Baltimore, shall be and continue to be the property of the Mayor and City Council of Baltimore, in fee simple, until the use thereof shall be abandoned by the Mayor and City Council of Baltimore, and in the event that any person, firm or corporation shall desire to remove, alter or interfere therewith, such person, firm or corporation shall first obtain permission and permits therefor from the Mayor and City Council of Baltimore, and shall in the application for such permission and permits agree to pay all costs and charges of every kind and nature made necessary by such removal, alteration or interference.

SEC. 3. *And be it further ordained*, That no buildings or structures of any kind shall be constructed or erected in said portion of said highway or highways after the same shall have been closed under the provisions of this Ordinance until the subsurface structures and appurtenances now owned by the Mayor and City Council of Baltimore, over which said buildings or structures are proposed to be



constructed or erected shall have been abandoned or shall have been removed and relaid in accordance with the specifications and under the direction of the Director of Public Works of Baltimore City, and at the expense of the person or persons or body corporate desiring to erect such buildings or structures. Railroad tracks shall be taken to be "structures" within the meaning of this section.

SEC. 4. *And be it further ordained*, That after said highway or highways shall have been closed under the provisions of this Ordinance, all subsurface structures and appurtenances owned by any person, firm or corporation, other than the Mayor and City Council of Baltimore, shall upon notice from the Director of Public Works of Baltimore City, be promptly removed by and at the expense of the said owners.

SEC. 5. *And be it further ordained*, That on and after the closing of said highway or highways, the said Mayor and City Council of Baltimore, acting through its duly authorized representatives, shall, at all times, have access to said property and to all subsurface structures and appurtenances used by it therein, for the purposes of inspection, maintenance, repair, alteration, relocation and/or replacement, of any or all of said structures and appurtenances, and this without permission from or compensation to the owner or owners of said land.

SEC. 6. *And be it further ordained*, That the proceedings of said Department of Public Works with reference to the condemnation and closing of said streets and alleys and the proceedings and rights of all parties interested or affected thereby, shall be regulated by, and be in accordance with, any and all applicable provisions of Article 4 of the Code of Public Local Laws of Maryland and the Charter of Baltimore City (1964 Revision) as amended to July 1, 1973 and any and all amendments thereto, and any and all other Acts of the General Assembly of Maryland, and any and all ordinances of the Mayor and City Council of Baltimore, and any and all rules or regulations in effect which have been adopted by the Director of Public Works and filed with the Department of Legislative Reference.

SEC. 7. *And be it further ordained*, That this Ordinance shall take effect from the date of its passage.

Approved July 2, 1981.

WILLIAM DONALD SCHAEFER, *Mayor*.

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No. 404

(Council No. 653)

AN ORDINANCE concerning

REZONING—1613-1637 THAMES STREET  
906-914 SOUTH BROADWAY

FOR the purpose of changing the zoning for the property located at 1613-1637 Thames Street and 906-914 South Broadway from the M-3 Zoning District to the B-3-3 Zoning District as outlined in red on the plats accompanying this ordinance.

BY amending Zoning District Maps

Sheet No. 67

Article 30—Zoning

Baltimore City Code (1976 Edition, as amended)

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That Sheet No. 67 of the Zoning District Maps of Article 30 of the Baltimore City Code (1976 Edition, as amended) title "Zoning" be and it is hereby amended by changing from the M-3 Zoning District to the B-3-3 Zoning District the property located at 1613-1637 Thames Street and 906-914 South Broadway as outlined in red on the plats accompanying this ordinance.

SEC. 2. *And be it further ordained*, That upon passage of this ordinance by the City Council, as evidence of the authenticity of the plat which is a part hereof and in order to give notice to the departments which are administering the Zoning Ordinance, the President of the City Council shall sign the plat and when the Mayor approves the ordinance,

he shall sign the plat. The Director of Finance shall then transmit a copy of the ordinance and one of the plats to the following: the Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of the Department of Housing and Community Development, and the Zoning Administrator.

SEC. 3. *And be it further ordained*, That this ordinance shall take effect thirty days from the date of its passage.

Approved July 2, 1981.

WILLIAM DONALD SCHAEFER, *Mayor*.

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No. 405

(Council No. 665)

AN ORDINANCE concerning

REZONING—CATON AND WILKENS AVE.

FOR the purpose of changing the zoning for the property on the northwest corner of Caton and Wilkens Avenue from the B-3-1 Zoning District to the B-3-2 Zoning District as outlined in red on the plats accompanying this ordinance.

BY amending Zoning District Maps

Sheet No. 62

Article 30—Zoning

Baltimore City Code (1976 Edition, as amended)

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That Sheet No. 62 of the Zoning District Maps of Article 30 of the Baltimore City Code (1976 Edition, as amended) title "Zoning" be and it is hereby amended by changing from the B-3-1 Zoning District to the B-3-2 Zoning District the property located on the northwest corner of Caton and Wilkens Avenue as outlined in red on the plats accompanying this ordinance.



SEC. 2. *And be it further ordained*, That upon passage of this ordinance by the City Council, as evidence of the authenticity of the plat which is a part hereof and in order to give notice to the departments which are administering the Zoning Ordinance, the President of the City Council shall sign the plat and when the Mayor approves the ordinance, he shall sign the plat. The Director of Finance shall then transmit a copy of the ordinance and one of the plats to the following: the Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of the Department of Housing and Community Development, and the Zoning Administrator.

SEC. 3. *And be it further ordained*, That this ordinance shall take effect from the date of its passage.

Approved July 2, 1981.

WILLIAM DONALD SCHAEFER, *Mayor*.

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No. 406

(Council No. 666)

AN ORDINANCE concerning

ZONING—CONDITIONAL USE  
HOUSING FOR THE ELDERLY  
CATON AND WILKENS AVENUES

FOR the purpose of granting permission for the establishment, maintenance and operation of housing for the elderly on the property located on the northwest corner of Caton and Wilkens Avenues as outlined in red on the plats accompanying this ordinance.

BY authority of

Article 30—Zoning

Sections 6.3-1d and 11.0-6d

Baltimore City Code (1976 Edition, as amended)

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That permission is hereby granted for the

establishment, maintenance and operation of housing for the elderly on the property located on the northwest corner of Caton and Wilkens Avenues as outlined in red on the plats accompanying this ordinance, under the provisions of Sections 6.3-1d and 11.0-6d of Article 30 of the Baltimore City Code (1976 Edition, as amended) title "Zoning".

SEC. 2. *And be it further ordained*, That upon passage of this ordinance by the City Council, as evidence of the authenticity of the plat which is a part hereof and in order to give notice to the departments which are administering the Zoning Ordinance, the President of the City Council shall sign the plat and when the Mayor approves the ordinance, he shall sign the plat. The Director of Finance shall then transmit a copy of the ordinance and one of the plats to the following: the Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of the Department of Housing and Community Development and the Zoning Administrator.

SEC. 3. *And be it further ordained*, That this ordinance shall take effect from the date of its passage.

Approved July 2, 1981.

WILLIAM DONALD SCHAEFER, *Mayor*.

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No. 407

(Council No. 668)

AN ORDINANCE concerning

PRESERVATION DISTRICT—  
EUTAW PLACE-MADISON AVENUE

FOR the purpose of providing that the area located within certain described boundaries shall be the Eutaw Place-Madison Avenue Historical and Architectural Preservation District.

BY adding

Article 1—Mayor, City Council and Municipal Agencies

Subtitle—Commission for Historical and Architectural  
Preservation

Section 40(mm)

Baltimore City Code (1976 Edition as amended)

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore, That section(s) of the Baltimore City Code (1976 Edition, as amended) be added, repealed, or amended to read as follows:*

Article 1—Mayor, City Council and Municipal Agencies  
Commission for Historical and Architectural  
Preservation

40. Created, powers, duties.

(mm) *Eutaw Place-Madison Avenue Historical and Architectural Preservation District.*

*Beginning at the northwestern intersection of North Avenue and Jordan Street; thence binding on Jordan Street northwesternly to a point 80' 6" more or less south of Chauncey Avenue; thence binding southwesternly 48' more or less on a 5' alley running parallel to Chauncey Avenue; thence binding northwesternly 80' 6" more or less on the dividing line between the properties known as 917 Chauncey Avenue and 2435 Eutaw Place; thence binding on Chauncey Avenue northeasternly 48' more or less to intersect a 15' Lake Drive to intersect Druid Park Lake Drive; thence binding southwesternly on Druid Park Lake Drive to intersect Cloverdale Road; thence binding on Cloverdale Road southwesternly to intersect McCulloh Street; thence binding on McCulloh Street southeasternly 121' 10" more or less to intersect a 15' alley; thence binding on said alley northeasternly 102' more or less to intersect another 15' alley running parallel to Madison Avenue; thence binding on said alley southeasternly to intersect Clendenin Street; thence binding on the southern side of Clendenin Street easternly to intersect on alley 55' 5" west of Madison Avenue; thence binding on the western outline of said alley southernly 170' more or less to inter-*



*sect North Avenue; thence binding on North Avenue easterly to the place of the beginning.*

BEGINNING FOR THE SAME AT THE NORTH SIDE OF NORTH AVENUE AND THE WEST SIDE OF JORDAN STREET; THENCE BINDING FROM SAID POINT OF BEGINNING ON THE WEST SIDE OF JORDAN STREET NORTHERLY TO INTERSECT THE NORTH SIDE OF THE FIRST 3-FOOT ALLEY SOUTH OF CHAUNCEY AVENUE; THENCE BINDING ON THE NORTH SIDE OF SAID 3-FOOT ALLEY WESTERLY TO INTERSECT THE EAST SIDE OF THE FIRST 5-FOOT ALLEY WEST OF AND PARALLEL TO JORDAN STREET; THENCE BINDING ON THE EAST SIDE OF SAID 5-FOOT ALLEY ON AN EXTENDED LINE NORTHERLY TO INTERSECT THE NORTH SIDE OF CHAUNCEY AVENUE; THENCE BINDING ON THE NORTH SIDE OF CHAUNCEY AVENUE EASTERLY TO INTERSECT THE WEST SIDE OF JORDAN STREET; THENCE BINDING ON THE WEST SIDE OF JORDAN STREET NORTHERLY TO INTERSECT THE NORTH SIDE OF HENDLER LANE; THENCE BINDING ON THE NORTH SIDE OF HENDLER LANE EASTERLY TO INTERSECT THE WEST PROPERTY LINE OF 913 DRUID PARK LAKE DRIVE; THENCE BINDING ON SAID PROPERTY LINE NORTHERLY TO INTERSECT THE SOUTH SIDE OF DRUID PARK LAKE DRIVE WESTERLY TO INTERSECT A POINT AT THE INTERSECTION OF EUTAW PLACE AND CLOVERDALE ROAD; THENCE BINDING FROM SAID POINT OF INTERSECTION TO THE SOUTH SIDE OF CLOVERDALE ROAD; THENCE BINDING ON THE SOUTH SIDE OF CLOVERDALE ROAD WESTERLY TO INTERSECT THE EAST SIDE OF McCULLOH STREET; THENCE BINDING ON THE EAST SIDE OF McCULLOH STREET SOUTHERLY TO INTERSECT THE SOUTH SIDE OF HENDLER LANE; THENCE BINDING ON THE SOUTH SIDE OF HENDLER LANE EASTERLY TO INTERSECT THE EAST SIDE OF TIFFANY ALLEY; THENCE BINDING ON THE EAST SIDE OF TIFFANY ALLEY SOUTHERLY TO INTERSECT THE SOUTH SIDE OF CLENDENIN STREET; THENCE

*BINDING ON THE SOUTH SIDE OF CLENDENIN STREET EASTERLY TO INTERSECT THE EAST PROPERTY LINE OF 1101 CLENDENIN STREET; THENCE BINDING ON SAID EAST PROPERTY LINE SOUTHERLY TO INTERSECT THE EAST PROPERTY LINE OF 1124-1126 EAST NORTH AVENUE; THENCE BINDING ON SAID EAST PROPERTY LINE SOUTHERLY TO INTERSECT THE NORTH SIDE OF NORTH AVENUE; THENCE BINDING ON THE NORTH SIDE OF NORTH AVENUE EASTERLY TO THE POINT OF BEGINNING.*

SEC. 2. *And be it further ordained, That this ordinance shall take effect thirty days from the date of its passage.*

Approved July 2, 1981.

WILLIAM DONALD SCHAEFER, *Mayor.*

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No. 408

(Council No. 677)

AN ORDINANCE concerning

INSPECTION FEES—FOOD OPERATIONS  
AND VENDING

FOR the purpose of increasing inspection fees on retail food operations, food products vending machines, and wholesale food operations, as defined.

BY repealing and reordaining with amendments

Article 11—Health

Subtitle—Permits and Inspections

Sections 165(d) (2), (3), and (4)

Baltimore City Code (1976 Edition, as amended)

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore, That section(s) of the Baltimore City Code (1976 Edition, as amended) be added, repealed, or amended, to read as follows:*

## ARTICLE 11—HEALTH

## Permits and Inspections

165.

(d)

(2) Retail food operations; annual fees: An annual inspection fee is levied and imposed upon every person engaged in the selling at retail of food; provided, however, that non-profit organizations operating temporary food and drink concessions which are operated solely by members of the organization shall be exempt from the prescribed fee; and the fee charged for such separate location shall be in accordance with the following schedule:

|                                                                                                       |           |          |
|-------------------------------------------------------------------------------------------------------|-----------|----------|
| Floor area not more than 1500 square feet<br>or its metric equivalent -----                           | [\$10.00] | \$30.00  |
| Floor area more than 1500 and not more<br>than 2000 square feet or its metric<br>equivalent -----     | [\$12.00] | \$36.00  |
| Floor area more than 2000 and not more<br>than 4000 square feet or its metric<br>equivalent -----     | [\$16.00] | \$48.00  |
| Floor area more than 4000 and not more<br>than 6000 square feet or its metric<br>equivalent -----     | [\$20.00] | \$60.00  |
| Floor area more than 6000 and not more<br>than 10,000 square feet or its metric<br>equivalent -----   | [\$25.00] | \$75.00  |
| Floor area more than 10,000 and not more<br>than 15,000 square feet or its metric<br>equivalent ----- | [\$35.00] | \$105.00 |
| Floor area more than 15,000 and not more<br>than 25,000 square feet or its metric<br>equivalent ----- | [\$50.00] | \$150.00 |
| Floor area more than 25,000 square feet<br>or its metric equivalent -----                             | [\$75.00] | \$225.00 |



(3) Vending machines. An annual inspection fee is levied and imposed upon every person engaged in supplying food products in any form to any vending machine. The fee to be charged is [two] *six* dollars for each separate vending machine.

(4) Wholesale food operations. An annual inspection fee is levied and imposed upon every person engaged in a wholesale food operation; and the fee charged for each separate location is in accordance with the following schedule:

|                                                                                                            |           |          |
|------------------------------------------------------------------------------------------------------------|-----------|----------|
| Floor area not more than 2500 square feet or its metric equivalent -----                                   | [\$35.00] | \$105.00 |
| Floor area containing more than 2500 and not more than 5000 square feet or its metric equivalent -----     | [\$50.00] | \$150.00 |
| Floor area containing more than 5000 and not more than 10,000 square feet or its metric equivalent -----   | [\$60.00] | \$180.00 |
| Floor area containing more than 10,000 and not more than 20,000 square feet or its metric equivalent ----- | [\$70.00] | \$210.00 |
| Floor area containing more than 20,000 and not more than 30,000 square feet or its metric equivalent ----- | [\$80.00] | \$240.00 |
| Floor area containing more than 30,000 square feet or its metric equivalent --                             | [\$90.00] | \$270.00 |

SEC. 2. *And be it further ordained*, That this ordinance shall take effect upon the date of its passage.

Approved July 2, 1981.

WILLIAM DONALD SCHAEFER, *Mayor*.

No. 409

(Council No. 689)

AN ORDINANCE concerning

SUPPLEMENTARY APPROPRIATION—  
CIVIC CENTER COMMISSION

FOR the purpose of providing a supplementary general fund appropriation in the amount of Six Hundred Twenty Thousand Dollars (\$620,000) to the Civic Center Commission to be used for additional operating expenses and equipment which could not reasonably be anticipated at the time of formulation of the proposed fiscal 1981 Ordinance of Estimates.

BY authority of

Article VI—Board of Estimates

Section 2(h) (3)

Baltimore City Charter (1964 Revision as amended)

WHEREAS, the money appropriated herein represents revenue produced by Interest Earnings on Investments in excess of the amount from this source estimated and relied upon by the Board of Estimates in determining the tax levy required to balance the budget for the 1981 fiscal year, and said money is therefore available for appropriation to the Civic Center Commission pursuant to the provisions of Article VI, Section 2(h) (3) of the Baltimore City Charter (1964 Revision as amended) ; and

WHEREAS, the additional sum here appropriated is for a program included in the current principal Ordinance of Estimates and is made necessary by a material change in circumstances since the formulation and adoption of such Ordinance, in accordance with Article VI, Section 2(h) (3) of said Charter; and

WHEREAS, the supplementary general fund appropriation ordained herein has been recommended to the City Council by the Board of Estimates, said recommendation having been made at a regular meeting of said Board held on the 13th day of May, 1981, all in accordance with Article VI, Section 2(h) (3) of said Charter.

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That under the provisions of Article VI, Section 2 of the 1964 revision of the Charter of Baltimore City, the sum of Six Hundred Twenty Thousand Dollars (\$620,000) shall be made available to the Civic Center Commission as a supplementary general fund appropriation for the fiscal year ending June 30, 1981, for the purpose of additional operating expenses and equipment which could not reasonably be anticipated at the time of formulation of the proposed fiscal 1981 Ordinance of Estimates. The amount thus made available as a supplementary general fund appropriation shall be expended from revenue derived from Interest Earnings on Investments in excess of the amount from this source which was estimated and relied upon by the Board of Estimates in determining the tax levy required to balance the budget for the 1981 fiscal year; and said funds from said Interest Earnings on Investments shall be the source of revenue for this supplementary general fund appropriation, as required by Article VI, Section 2 of the Baltimore City Charter (1964 Revision as amended).

SEC. 2. *And be it further ordained*, That this ordinance shall take effect from the date of its passage.

Approved June 30, 1981.

WILLIAM DONALD SCHAEFER, *Mayor*.

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No. 410

(Council No. 690)

AN ORDINANCE concerning

SUPPLEMENTARY APPROPRIATION—  
BOARD OF ESTIMATES

FOR the purpose of providing a supplementary general fund appropriation in the amount of One Million One Hundred Eighty Thousand Dollars (\$1,180,000) to the Board of Estimates to be used for additional operating expenses



and equipment for the Baltimore Convention Center and Convention Bureau which could not reasonably be anticipated at the time of formulation of the proposed fiscal 1981 Ordinance of Estimates.

BY authority of

Article VI—Board of Estimates

Section 2(h) (3)

Baltimore City Charter (1964 Revision as amended)

WHEREAS, the money appropriated herein represents revenue produced by Interest Earnings on Investments in excess of the revenue estimated and relied upon by the Board of Estimates in determining the tax levy required to balance the budget for the fiscal year 1981 and is therefore available for appropriation to the Board of Estimates pursuant to the provisions of Article VI, Section 2(h) (3) of the 1964 revised Charter of Baltimore City; and

WHEREAS, the additional sum here appropriated is for a program included in the current Ordinance of Estimates and said sum is made necessary by a material change in circumstances since the formulation and adoption of such ordinance, in accordance with Article VI, Section 2(h) (3) of said Charter; and

WHEREAS, the supplementary general fund appropriation ordained herein has been recommended to the City Council by the Board of Estimates, said recommendation having been made at a regular meeting of said Board held on the 13th day of May, 1981, all in accordance with Article VI, Section 2(h) (3) of said Charter.

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That under the provisions of Article VI, Section 2 of the 1964 revision of the Charter of Baltimore City as amended, the sum of One Million One Hundred Eighty Thousand Dollars (\$1,180,000) shall be made available to the Board of Estimates as a supplementary general fund appropriation for the fiscal year ending June 30, 1981, for the purpose of additional operating expenses and equipment for the Baltimore Convention Center and Convention Bureau which could not reasonably be anticipated at the time of formulation of the proposed fiscal 1981 Ordinance

of Estimates. The amount thus made available as a supplementary general fund appropriation shall be expended from revenue derived from Interest Earnings on Investments in excess of the amount from this source which was estimated and relied upon by the Board of Estimates in determining the tax levy required to balance the budget for the 1981 fiscal year; and said funds shall be the source of revenue for this supplementary general fund appropriation, as required by Article VI, Section 2 of the Baltimore City Charter (1964 Revision as amended).

SEC. 2. *And be it further ordained*, That this ordinance shall take effect from the date of its passage.

Approved June 30, 1981.

WILLIAM DONALD SCHAEFER, *Mayor*.

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No. 411

(Council No. 691)

AN ORDINANCE concerning

CITY PROPERTY—SALE

FOR the purpose of authorizing the Mayor and City Council of Baltimore to sell either at public or private sale all the interest of the Mayor and City Council of Baltimore in and to a certain parcel of land no longer needed for public use of 4 acres of land, more or less, in Block 6333, Lot 30 in the vicinity of East Lombard Street and Baltimore Harbor Tunnel right of way.

BY authority of

Article V—Comptroller

Section 5(b)

Baltimore City Charter (1964 Revision as amended)

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That the Comptroller of Baltimore City be and he is hereby authorized to sell at either public or private

sale in accordance with Article V Section 5(b) of the City Charter, all of the interest of the Mayor and City Council of Baltimore in and to that parcel of land situate in Baltimore, Maryland, and described as follows:

BEING 4 acres of land, more or less, situate on the northwest side of E. Lombard Street, as shown on tax plat Ward 26, Section 17, Block 6333 dated May, 1975 and being Lot 30 thereon.

Said property being no longer needed for public use.

SEC. 2. *Be it further ordained*, That no deed or deeds shall pass in accordance herewith until the same shall have been first approved by the City Solicitor.

SEC. 3. *And be it further ordained*, That this ordinance shall take effect from the date of its passage.

Approved July 2, 1981.

WILLIAM DONALD SCHAEFER, *Mayor*.

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No. 412

(Council No. 698)

AN ORDINANCE concerning

URBAN RENEWAL—FELLS POINT

Amendment No. 5

FOR the purpose of amending the Renewal Plan for Fells Point, to among other things:

(1) AUTHORIZE THE ACQUISITION OF 2039 ALICEANNA STREET FOR URBAN RENEWAL PURPOSES; (2) RECOMMEND THE CLOSING OF CHESTER STREET SOUTH OF ALICEANNA STREET; (3) CREATE DISPOSITION LOT 11 BY COMBINING 2039 ALICEANNA STREET AND THE BED OF CHESTER STREET SOUTH OF ALICEANNA STREET FOR RESIDENTIAL/NEIGHBOR-



HOOD COMMERCIAL USE; (4) CREATE PEDESTRIAN AND/OR UTILITY EASEMENTS ON SAID DISPOSITION LOT 11 AND ON 1613/19 THAMES STREET; (5) change the height limitations on ~~certain properties;~~ ~~(2)~~ 1613 THROUGH 1637 THAMES STREET; (6) PROVIDE STANDARDS AND CONTROLS ON DISPOSITION LOT 11; (7) CREATE A PERMANENT AND A TEMPORARY REVERTIBLE PEDESTRIAN EASEMENT ON THE PROPERTY KNOWN AS 1613/19 THAMES STREET AND PROVIDE CONDITIONS FOR THE TERMINATION OF SAID TEMPORARY REVERTIBLE EASEMENT AND ITS REPLACEMENT WITH A PERMANENT PEDESTRIAN EASEMENT; (8) waive such requirements, if any, as to content or procedure for the preparation, adoption, and approval of renewal plans as set forth in Article 13 of the Baltimore City Code (1976 Edition, as amended), which the Renewal Plan for Fells Point may not meet; ~~(3)~~ (9) provide for the separability of the various parts and application of this Ordinance; ~~(4)~~ (10) provide that where the provisions of this Ordinance shall conflict with any zoning, building, electrical, plumbing, health, fire or safety ordinance or code or regulation in force in the City of Baltimore, the provision which establishes the higher standard shall prevail; and ~~(5)~~ (11) provide for an effective date hereof.

WHEREAS, The Urban Renewal Plan for Fells Point was approved by the Mayor and City Council of Baltimore by Ordinance 999, dated October 14, 1975, and last amended by Ordinance 1041, dated June 4, 1979; and

WHEREAS, Pursuant to Article 13 of the Baltimore City Code (1976 Edition, as amended), no substantial change or changes shall be made to any renewal plan, after approval by ordinance, without such change or changes first being adopted and approved in the same manner as set forth in said Article 13 for ~~approval of a renewal plan, namely the preparation of such change or changes by the Department of Housing and Community Development, the approval of such change or changes by the Director of the Department of Planning, and approval~~ OF A RENEWAL PLAN and adoption by an ordinance of the Mayor and City Council

of Baltimore after a public hearing in relation thereto, all in the manner set forth in said Article 13; and

Whereas, Extensive changes in the Renewal Plan make it infeasible to make line-by-line changes; therefore, the Department of Housing and Community Development has prepared an amended Renewal Plan for Fells Point, including all prior amendments to said Plan; and

Whereas, Said amended Urban Renewal Plan for Fells Point has been approved by the Director of the Department of Planning with respect to its conformity as to the Master Plan, the detailed location of any public improvements proposed in the amended Renewal Plan, its conformity to the rules and regulations for subdivisions, and all zoning changes proposed in the amended Renewal Plan; and said amended Renewal Plan has been approved and recommended to the Mayor and City Council of Baltimore by the Commissioner of the Department of Housing and Community Development; now, therefore,

WHEREAS, THE PROPOSED DEVELOPER OF THE PROPERTIES AT 1613 THROUGH 1637 THAMES STREET HAS AGREED TO PROVIDE PEDESTRIAN EASEMENTS ON 1613/19 THAMES STREET IN ORDER TO PERMIT PUBLIC ACCESS TO A PORTION OF THE WATERFRONT; AND

WHEREAS, AMENDMENT NO. 5 TO THE RENEWAL PLAN FOR FELLS POINT HAS BEEN PREPARED AND FILED WITH THE CLERK OF THE CITY COUNCIL; NOW, THEREFORE,

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That the amended FOLLOWING CHANGES TO THE Urban Renewal Plan for Fells Point, identified as "Urban Renewal Plan, Fells Point . . . revised to include Amendment No. 4, dated June 5, 1981" is HAVING BEEN DULY REVIEWED AND CONSIDERED, ARE hereby approved and the Clerk of the City Council is hereby directed to file a copy of said amended Urban Renewal Plan, REVISED TO INCLUDE AMENDMENT NO. 5, DATED JUNE 5, 1981 AND REVISED JUNE 22, 1981, with the Department of Legislative Reference

as a permanent public record and make the same available for public inspection and information-:

1. ON THE APPROPRIATE MAPS ATTACHED TO THE RENEWAL PLAN, INDICATE THE FOLLOWING CHANGES:

A. THE ACQUISITION OF 2039 ALICEANNA STREET (EXHIBIT 2—PROPERTY ACQUISITION)

B. THE RECOMMENDED CLOSING OF CHESTER STREET SOUTH OF ALICEANNA STREET (EXHIBIT 1—LAND USE PLAN, EXHIBIT 2—PROPERTY ACQUISITION, AND EXHIBIT 3—LAND DISPOSITION)

C. THE CREATION OF DISPOSITION LOT 11 BY COMBINING 2039 ALICEANNA STREET AND THE BED OF CHESTER STREET SOUTH OF ALICEANNA STREET FOR RESIDENTIAL/NEIGHBORHOOD COMMERCIAL USE (EXHIBIT 1—LAND USE PLAN AND EXHIBIT 3—LAND DISPOSITION)

D. THE CREATION OF PEDESTRIAN AND/OR UTILITY EASEMENTS ON SAID DISPOSITION LOT 11 AND ON 1613/19 THAMES STREET (EXHIBIT 1—LAND USE PLAN AND/OR EXHIBIT 3—LAND DISPOSITION)

2. ON PAGE 7 OF THE RENEWAL PLAN UNDER SECTION B.1.C. ENTITLED "MIXED LAND USE", ADD A PROVISION WHICH WOULD CHANGE THE MAXIMUM BUILDING HEIGHT ON THE PROPERTIES KNOWN AS 1613 THROUGH 1637 THAMES STREET FROM 35 FEET TO AN AVERAGE HEIGHT BASED ON A FORMULA, BUT NOT TO EXCEED 85 FEET.

3. ON PAGE 12 OF THE RENEWAL PLAN, ADD A NEW SUBSECTION (C) UNDER B.2.A.(4) ENTITLED "PROVISIONS APPLICABLE TO LAND AND PROPERTY TO BE ACQUIRED FOR REDEVELOPMENT" CONTAINING STANDARDS AND CONTROLS FOR DISPOSITION LOT 11 GOVERNING PEDESTRIAN AND/OR UTILITY EASEMENTS, LANDSCAPING, AUTOMOBILE ACCESS, AND PARKING.



*Sec. 2. And be it further ordained, That the proposed building height changes shown in the amended Urban Renewal Plan in Section B.1.c.—Land Use, Plan, Mixed Land Use, are hereby approved.*

SEC. 2. AND BE IT FURTHER ORDAINED, THAT IT IS NECESSARY TO ACQUIRE BY PURCHASE OR BY CONDEMNATION, FOR URBAN RENEWAL PURPOSES, THE FEE SIMPLE INTEREST OR ANY LESSER INTEREST IN AND TO A CERTAIN PROPERTY OR PORTION THEREOF, TOGETHER WITH ALL RIGHT, TITLE, INTEREST, AND ESTATE THAT THE OWNER OR OWNERS OF SAID PROPERTY INTERESTS MAY HAVE IN ALL STREETS, ALLEYS, WAYS OR LANES, PUBLIC OR PRIVATE, BOTH ABUTTING THE WHOLE AREA DESCRIBED AND/OR CONTAINED WITHIN THE PERIMETER OF SAID AREA, SITUATE IN BALTIMORE CITY, MARYLAND, AND DESCRIBED AS FOLLOWS:

2039 ALICEANNA STREET

SEC. 3. AND BE IT FURTHER ORDAINED, THAT THE REAL ESTATE ACQUISITION DIVISION OF THE DEPARTMENT OF THE COMPTROLLER, OR SUCH PERSON OR PERSONS AND IN SUCH MANNER AS THE BOARD OF ESTIMATES, IN THE EXERCISE OF THE POWER VESTED IN IT BY ARTICLE V, SECTION 5, OF THE BALTIMORE CITY CHARTER, MAY HEREAFTER FROM TIME TO TIME DESIGNATE, IS OR ARE AUTHORIZED TO ACQUIRE ON BEHALF OF THE MAYOR AND CITY COUNCIL OF BALTIMORE AND FOR THE PURPOSES DESCRIBED IN THIS ORDINANCE, THE FEE SIMPLE INTEREST OR ANY LESSER INTEREST IN AND TO THE PROPERTY OR PORTION THEREOF HEREINABOVE MENTIONED. IF THE SAID REAL ESTATE ACQUISITION DIVISION OF THE DEPARTMENT OF THE COMPTROLLER, OR SUCH PERSON OR PERSONS, AND IN SUCH MANNER AS THE BOARD OF ESTIMATES IN THE EXERCISE OF THE POWER VESTED IN IT BY ARTICLE V, SECTION 5, OF THE BALTIMORE CITY CHARTER, MAY HEREAFTER FROM TIME TO TIME DESIGNATE, IS OR ARE UNABLE

TO AGREE WITH THE OWNER OR OWNERS ON THE PURCHASE PRICE OF SAID PROPERTY OR PORTION THEREOF, IT OR THEY SHALL FORTHWITH NOTIFY THE CITY SOLICITOR OF BALTIMORE CITY, WHO SHALL THEREUPON INSTITUTE IN THE NAME OF THE MAYOR AND CITY COUNCIL OF BALTIMORE THE NECESSARY LEGAL PROCEEDINGS TO ACQUIRE BY CONDEMNATION THE FEE SIMPLE INTEREST OR ANY LESSER INTEREST IN AND TO SAID PROPERTY OR PORTION THEREOF.

SEC. 4. *AND BE IT FURTHER ORDAINED*, THAT IN ORDER TO MAXIMIZE PUBLIC ACCESS TO THE WATERFRONT, THE FOLLOWING PEDESTRIAN EASEMENTS SHALL BE CREATED ON THE PROPERTY KNOWN AS 1613/19 THAMES STREET: A PERMANENT PEDESTRIAN EASEMENT FROM BROADWAY SOUTHWESTERLY TO THE BEGINNING OF BROWN'S WHARF AND A TEMPORARY REVERTIBLE PEDESTRIAN EASEMENT FROM THE BEGINNING OF BROWN'S WHARF SOUTHERLY APPROXIMATELY 180 FEET. UPON APPROVAL BY THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT OF PLANS FOR THE REDEVELOPMENT OF 1601/07 THAMES STREET, THIS TEMPORARY REVERTIBLE PEDESTRIAN EASEMENT WILL BE TERMINATED AND BE REPLACED BY A PERMANENT PEDESTRIAN EASEMENT WHICH WOULD BE A STRAIGHT CONTINUATION OF THE PREVIOUSLY ESTABLISHED PERMANENT EASEMENT SOUTHWESTERLY TO THE WESTERN PROPERTY LINE OF 1613/19 THAMES STREET WHERE IT ABUTS THE PROPERTY KNOWN AS 1601/07 THAMES STREET.

SEC. 3 5. *And be it further ordained*, That IN whatever respect, if any, the said amended Renewal Plan approved hereby may not meet the requirements as to the content of a renewal plan or the procedures for the preparation, adoption, and approval of renewal plans, as provided in Article 13 of the Baltimore City Code (1976 Edition, as amended), the said requirements are hereby waived and

the amended Renewal Plan approved hereby is exempted therefrom.

SEC. 4 6. *And be it further ordained*, That in the event it be judicially determined that any word, phrase, clause, sentence, paragraph, section or part in or of this Ordinance, or the application thereof to any person or circumstances is invalid, the remaining provisions and the application of such provisions to other persons or circumstances shall not be affected thereby, the Mayor and City Council hereby declaring that they would have ordained the remaining provisions of this Ordinance without the word, phrase, clause, sentence, paragraph, section or part, or the application thereof so held invalid.

SEC. 5 7. *And be it further ordained*, That in any case where a provision of this Ordinance concerns the same subject matter as an existing provision of any zoning, building, electrical, plumbing, health, fire or safety ordinance or code or regulation, the applicable provisions concerned shall be construed so as to give effect to each; provided, however that if such provisions are found to be in irreconcilable conflict, the provision which establishes the higher standard for the promotion of the public health and safety shall prevail. In any case where a provision of this Ordinance is found to be in conflict with an existing provision of any other ordinance or code or regulation in force in the City of Baltimore which establishes a lower standard for the promotion and protection of the public health and safety, the provision of this Ordinance shall prevail, and the other existing provision of such other ordinance or code or regulation is hereby repealed to the extent that it may be found in conflict with this ordinance.

SEC. 6 8. *And be it further ordained*, That this Ordinance shall take effect from the date of its passage.

Approved July 2, 1981.

WILLIAM DONALD SCHAEFER, *Mayor*.



## No. 413

(Council No. 704)

## AN ORDINANCE concerning

ISSUANCE OF INDUSTRIAL DEVELOPMENT  
REVENUE BONDS—DAVID CLARK &  
ASSOCIATES, INC./RICHMOND SMITH  
PARTNERSHIP PROJECT

FOR the purpose of authorizing and empowering Mayor and City Council of Baltimore (the "City") to issue, sell and deliver at any time or from time to time its Industrial Development Revenue Bonds, designated "Baltimore City, Maryland Industrial Development Revenue Bonds (David Clark & Associates, Inc./Richmond Smith Partnership Project)," in an aggregate principal amount not to exceed \$2,000,000 (the "Bonds"), pursuant to the provisions of Sections 266A to 266-I, inclusive, of Article 41 of the Annotated Code of Maryland (1978 Replacement Volume and 1980 Cumulative Supplement), as amended, in order to loan the proceeds thereof (the "Loan") to David Clark & Associates, Inc./Richmond Smith Partnership, a Maryland general partnership consisting of David Clark and Associates, Inc., a North Carolina corporation, and Richmond Smith, an individual (the "Borrower"), for the sole and exclusive purpose of financing the acquisition by the borrower of a certain industrial building in Baltimore City, certain portions of which shall be occupied by the borrower and/or certain portions of which shall be leased to one or more tenants, as provided in this ordinance; authorizing the Mayor of the City to accept, on behalf of the City, a letter of intent from David Clark & Associates, Inc. to the City dated May 4, 1981; making certain legislative findings, among others, concerning the public benefit and purpose of the Bonds; providing that the Bonds and the interest thereon shall be limited obligations of the City, repayable by the City solely from the revenue derived from loan repayments (both principal and interest) made to the City on account of the loan and from any other moneys made available to the City for such purpose, and that neither the Bonds nor

the interest thereon shall ever constitute an indebtedness or a charge against the general credit or taxing powers of the City within the meaning of any constitutional or charter provision or statutory limitation, and that neither shall ever constitute or give rise to any pecuniary liability of the City; authorizing the issuance of Bond anticipation notes pursuant to Section 12 of Article 31 of the Annotated Code of Maryland (1978 Replacement Volume and 1980 Cumulative Supplement), as amended; authorizing the private (negotiated) sale of the Bonds; prescribing the rate or rates of interest the Bonds are to bear, the basic form, tenor, terms and conditions of, and security for, the Bonds, and the terms and conditions under which the Bonds may be called for redemption prior to their stated maturity or maturities; authorizing and empowering the Board of Finance of the City (the "Board"), prior to the issuance, sale and delivery of any of the Bonds, to adopt a resolution pursuant to which the Board may (1) prescribe the rate or rates of interest the Bonds are to bear, and the final form, tenor, terms and conditions of and security for the Bonds, (2) prescribe the actual amounts, denominations, dates, actual maturity or maturities (within the limits herein prescribed) and place or places of payment of the Bonds, and the final terms and conditions and details under which the Bonds may be called for redemption prior to their stated maturity, (3) prescribe certain of the other terms and conditions of the Bonds, (4) approve the form and contents, and authorize the execution and delivery (where applicable), of (a) a Loan and Security Agreement by and between the Borrower and the City, (b) an Assignment and Security Agreement by and among the City, the original purchaser of the Bonds (the "Original Purchaser") and one or more trustees (which may be the original purchaser), (c) an assignment of leases from the Borrower to the City and the Original Purchaser, (d) a mortgage from the Borrower to the City and the Original Purchaser, and (e) such other documents, including (without limitation) Mortgages, Deeds of Trust, Assignments of Leases, Letters of Credit, Guaranties and Security Instruments, as the Board shall deem necessary to effectuate the issuance, sale and delivery of the Bonds, (5) determine the time or times

of execution, issuance, sale and delivery of the Bonds and prescribe any and all other details of the Bonds, (6) provide for the direct payment by the Borrower of all costs, fees and expenses incurred by or on behalf of the City in connection with the issuance, sale and delivery of the Bonds, and (7) do any and all things, and authorize the officials of the City to do any and all things, necessary, proper or expedient in connection with the issuance, sale and delivery of the Bonds; requiring the Borrower to submit certain plans and specifications to the City; providing for the expiration of the authority provided therein, and for the extension of such authority under certain conditions; and generally providing for and determining various matters and details in connection with the authorization, issuance, security, sale and payment of the Bonds.

### RECITALS

Sections 266A to 266-I, inclusive, of Article 41 of the Annotated Code of Maryland (1978 Replacement Volume and 1980 Cumulative Supplement), as amended (the "Act"), empower all the counties and municipalities of the State of Maryland to issue revenue bonds and to loan the proceeds of the sale of such revenue bonds to an "industrial concern" (as mentioned in the Act) to finance the "acquisition" (as mentioned in the Act) by such industrial concern of any "industrial building" (as mentioned in the Act). The Act declares it to be the legislative purpose to relieve conditions of unemployment in the State of Maryland, to encourage the increase of industry and a balanced economy in the State of Maryland, to assist in the retention of existing industry in the State of Maryland through the control, reduction or abatement of pollution of the environment (where proceeds of the bonds are used for that purpose), to promote economic development, to protect natural resources and in this manner to promote the health, welfare and safety of the residents of each of the counties and municipalities of the State of Maryland.

Mayor and City Council of Baltimore (the "City") has received a letter of intent (as contemplated by Sec-



tion 266B(d) of the Act) dated May 4, 1981 (the "Letter of Intent") from David Clark & Associates, Inc., a North Carolina corporation and an "industrial concern" as mentioned in Section 266A(h) of the Act, pursuant to which David Clark & Associates, Inc. has requested the City to participate in the financing of the acquisition by the Borrower (hereinafter defined) of an industrial building (within the meaning of the Act) to be located in Baltimore City, Maryland (the "Industrial Building"), by the issuance and sale by the City of its Baltimore City, Maryland Industrial Development Revenue Bonds (David Clark & Associates, Inc./Richmond Smith Partnership Project), in an aggregate principal amount not to exceed \$2,000,000 (the "Bonds"), and by loaning the proceeds of the Bonds to the Borrower upon the terms and conditions of a Loan and Security Agreement to be entered into between the City and the Borrower (the "Loan Agreement"), as permitted by the Act (such loan being herein referred to as the "Loan"). Following the acquisition of the Industrial Building, the Borrower intends to occupy certain portions thereof, and/or to lease certain portions thereof to one or more tenants (hereinafter collectively referred to as the "Occupants").

The Letter of Intent stated that David Clark & Associates, Inc. may seek the participation of other parties in the acquisition of the Industrial Building, and David Clark & Associates, Inc. has subsequently determined that such acquisition shall be made by a Maryland general partnership named "David Clark & Associates, Inc./Richmond Smith Partnership" (the "Borrower"), consisting of David Clark & Associates, Inc. and Richmond Smith, an individual.

The Industrial Building will consist generally of one four-story, commercial building and two three-story, commercial buildings, with an aggregate, interior floor space of approximately 31,000 square feet, together with necessary and useful machinery and equipment, and of such interests in land as may be necessary or desirable for the use of the commercial buildings, together with roads, other rights of access, utilities and other necessary facilities. These three commercial buildings, which will

be purchased by the Borrower pursuant to a disposition agreement by and between the City and David Clark & Associates, Inc. ("Disposition Agreement") and then renovated by the Borrower, are located in the Fells Point area of Baltimore City at 816-822 South Broadway/1638-40 Thames Street, 800 South Broadway and 1634 Thames Street. The Board (hereinafter defined) may, pursuant to the Resolution (hereinafter defined), reduce the size of the Industrial Building by excluding one or both of the two three-story, commercial buildings from the description thereof.

The Loan Agreement will require the Borrower (a) to use the proceeds of the Bonds solely to finance the acquisition of the Industrial Building, to pay the costs of preparing, issuing and delivering the Bonds and to pay other costs as permitted by the Act, and (b) to make Loan payments which will be sufficient to enable the City to pay the principal of, and interest and premium (if any) on, the Bonds when and as the same shall become due and payable.

As security for the Bonds, the City will enter into an Assignment and Security Agreement (the "Assignment") with the original purchaser of the Bonds (the "Original Purchaser") and one or more trustees (the "Trustee") to be appointed by the Board of Finance of the City (the "Board") by a resolution (the "Resolution") to be adopted by the Board prior to the issuance, sale and delivery of the Bonds. Pursuant to the Assignment, the City will assign to the Original Purchaser, its successors and assigns (a) all of the City's right, title and interest in and to, and remedies under, the Loan Agreement, including (without limitation) any and all collateral referred to therein, excepting only the right of the City to indemnification by the Borrower and to payments for expenses incurred by the City itself, (b) the City's right, title and interest in and to, and remedies under, a Mortgage from the Borrower to the City and the Original Purchaser as security for the Loan (the "Mortgage"), (c) the City's right, title and interest in and to, and remedies under, an Assignment of Leases from the Borrower to the City and the Original Pur-

chaser as security for the Loan (the "Assignment of Leases"), (d) certain moneys which are at any time or from time to time on deposit with the Trustee, (e) all right, title and interest in and to, and remedies with respect to, any and all other property of every description and nature whatsoever from time to time by delivery or by writing of any kind conveyed, pledged, assigned or transferred, as and for additional security for the Bonds or the Loan, and (f) all of the City's right, title and interest in and to, and remedies under, such other documents, including (without limitation) mortgages, deeds of trust, assignments of lease, letters of credit, guaranties and security instruments, as the Board shall deem necessary to effectuate the Loan and the issuance, sale and delivery of the Bonds and which the Board shall approve by the adoption of the Resolution.

NOW, THEREFORE, IN ACCORDANCE WITH THE ACT:

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That acting pursuant to the Act, it is hereby found and determined as follows:

(a) The issuance and sale of the Bonds by the City pursuant to the Act in order to lend the proceeds thereof to the Borrower, for the sole and exclusive purpose of financing the "acquisition" (within the meaning of the Act) by the Borrower of the Industrial Building to be occupied by, and/or leased to, the Occupants, to pay the costs of preparing, printing and selling the Bonds and to pay other costs permitted by the Act, will facilitate and expedite the acquisition of the Industrial Building by the Borrower.

(b) The acquisition of the Industrial Building by the Borrower, the financing thereof and the occupancy and/or leasing of portions of the Industrial Building to the Occupants as provided in this Ordinance will promote and contribute to the declared legislative purposes of the Act, as set forth in Section 266B(b) thereof, by: (a) sustaining jobs and employment, thus relieving conditions of unemployment in the State of Maryland and in Baltimore City; (b) encouraging the increase of commerce and the



creation of a balanced economy in the State of Maryland and in Baltimore City; (c) assisting in the retention of existing commerce in the State of Maryland and in Baltimore City; (d) promoting economic development; and (e) thereby promoting the health, welfare and safety of the residents of the State of Maryland and Baltimore City.

(c) In addition to authorizing the City itself to acquire the Industrial Building and either to lease or sell the same to the Borrower, the Act, as an alternative procedure, authorizes the financing of the Industrial Building to be accomplished in the form of a loan by the City to the Borrower. The loan form of transaction avoids indirect costs and burdens on the City by not requiring any direct involvement by the City in the ownership, renovation, operation or maintenance of the Industrial Building, while permitting controls to be imposed on the use of the proceeds of the Bonds to insure that the public purposes of the Act and the Bonds are fully accomplished. It is, therefore, in the best interests of the citizens of the City to finance the acquisition of the Industrial Building through a loan to the Borrower, in order to permit the acquisition of the Industrial Building by the Borrower with the proceeds thereof, and thereby to facilitate the occupancy and/or leasing of portions of the Industrial Building to the Occupants. This Ordinance contemplates and authorizes a transaction in the form of a loan of the proceeds of the Bonds by the City to the Borrower, rather than a transaction in the form of a lease or sale of the Industrial Building. Accordingly, this Ordinance, together with the Resolution, the Assignment, the Mortgage, the Assignment of Leases and the Loan Agreement authorized hereby, and the other documents referred to herein, contain or shall contain such provisions as the City deems appropriate to effect the financing of the acquisition by the Borrower of the Industrial Building through the loan form of transaction.

(d) Neither the Bonds nor the interest or redemption premium, if any, thereon shall ever constitute an indebtedness or general obligation of the City or a charge against, or pledge of the general credit or taxing powers of, the City within the meaning of any constitutional or charter provision or statutory limitation, or ever constitute or give rise to any pecuniary liability of the City. The Bonds and

the interest and redemption premium, if any, thereon shall be limited obligations of the City, and shall be payable solely from (i) certain revenue derived from Loan repayments (both principal and interest) made to the City by the Borrower on account of the Loan, (ii) moneys derived from any collateral pledged under the Loan Agreement or under any assignment of lease, mortgage, deed of trust, letter of credit, guaranty or security agreement executed or delivered in connection with the Bonds or the Loan, and (iii) any other moneys made available to the City for such purpose. Accordingly, this Ordinance definitely fixes and determines the entire amount of the above-described receipts and revenues of the City from the Loan (except for certain rights of the City to indemnification and to payments in respect of its administrative expenses in connection with the Bonds and the Loan) to be the amount of revenue derived from payments with respect to the Loan which is necessary to be set apart and applied to the payment of principal of, and interest and redemption premium (if any) on, the Bonds. The proceeds of the Bonds will be deposited with the Trustee to be held and disbursed by the Trustee as provided in the Assignment to be approved by the Board in the Resolution. The payments to be made by the Borrower pursuant to the Loan Agreement will be paid directly to the registered holder(s) of the Bonds as provided in the Assignment to be approved by the Board in the Resolution. No such moneys will be commingled with the City's funds or be subject to the absolute control of the City, but will be subject only to such limited supervision and checks as are deemed necessary or desirable by the City to insure that the proceeds of the Bonds are used to accomplish the public purposes of the Act and this Ordinance. The transactions authorized hereby do not constitute any physical public betterment or improvement, nor the acquisition of property for public use, nor the purchase of equipment for public use. The public purposes expressed in the Act are to be achieved by facilitating the acquisition of the Industrial Building by the Borrower.

(e) Except for its rights as seller under the Disposition Agreement, the City will neither possess nor acquire any interest in the Industrial Building other than (i) a general interest in the Borrower's property shared by all

holders of the Borrower's obligations which rank and are secured equally with the Borrower's obligations, pursuant to the Loan Agreement and other obligations incurred pursuant to this Ordinance, (ii) the liens and security interests created by the Mortgage, the Assignment of Leases and the Loan Agreement, and (iii) interests created by any other mortgage, deed of trust, assignment of lease, letter of credit, guaranty or other security instrument executed and delivered by the Borrower or any third party as security for the Loan as the Board may provide for and approve in the Resolution. The security for the Bonds shall be solely and exclusively (A) the absolute, irrevocable and unconditional obligations of the Borrower to make the payments required by the Loan Agreement, (B) moneys realized from the liquidation of the liens and security interests created by the Mortgage, the Assignment of Leases and the Loan Agreement and of any other lien or security interest created with respect to any property as security for the Loan or the Bonds as the Board may provide for and approve in the Resolution, (C) moneys realized from any guaranty of the Bonds or of the Loan as the Board may provide for and approve in the Resolution, and (D) any other property made available for such purpose.

(f) No part or proportion of the receipts and revenues of the City from the Loan shall be set aside as a depreciation account or as operating or maintenance funds (as those terms are mentioned in Section 266G(a) of the Act), since the Borrower will enter into a covenant as contemplated under Section 266G(c) of the Act properly to operate and maintain (or cause to be properly operated and maintained) the Industrial Building, including a specific understanding to make (or cause to be made) all equipment replacements and repairs necessary to insure that the security for the Bonds shall not be impaired.

(g) The best interests of the City will be served by selling the Bonds at private (negotiated) sale, as authorized by the Act, upon terms and conditions approved by the Board in the Resolution.

(h) The Industrial Building constitutes an "industrial building" within the meaning of the Act, and the Bor-



rower is an "industrial concern" (as mentioned in Section 266A(h) of the Act) and a "bona fide tenant" or "bona fide purchaser" (as mentioned in the Act). Therefore, the Industrial Building is to be acquired by a "bona fide tenant or purchaser" (as mentioned in Section 266B(d) of the Act), as evidenced by the Letter of Intent, which is a "letter of intent" within the meaning of the Act.

SEC. 2. *And be it further ordained*, That the City is hereby authorized and empowered to issue, sell and deliver its Baltimore City, Maryland Industrial Development Revenue Bonds (David Clark & Associates, Inc./Richmond Smith Partnership Project), in an aggregate principal amount not to exceed \$2,000,000, subject to the provisions of this Ordinance. The proceeds of the Bonds will be loaned to the Borrower pursuant to the terms and provisions of the Loan Agreement, to be used by the Borrower for the sole and exclusive purpose of financing the acquisition of the Industrial Building. The Bonds and the interest thereon shall be limited obligations of the City, repayable by the City solely from the revenue derived from Loan repayments (both principal and interest) made to the City by the Borrower pursuant to the Loan Agreement, moneys derived from any collateral pledged under the Loan Agreement or under any assignment of lease, mortgage, deed of trust, letter of credit, guaranty or security agreement executed or delivered in connection with the Bonds or the Loan, and from any other moneys made available to the City for such purpose. The security for the Bonds shall be solely and exclusively as provided in Sections 1(d) and (e) of this Ordinance.

SEC. 3. *And be it further ordained*, That each of the Bonds shall bear the descriptive title "Baltimore City, Maryland Industrial Development Revenue Bond (David Clark & Associates, Inc./Richmond Smith Partnership Project)," provided that the descriptive title may contain such other descriptive information (e.g., "1981 Series") as the Board may prescribe in the Resolution. The Bonds shall bear interest from the date of delivery at an annual rate (the "Non-Taxable Rate") equal to eleven percent (11%) per annum; provided, however, that the Board may, under the circumstances set forth in the Assignment, by the adop-

tion of a resolution (which may be the Resolution) before the issuance, sale and delivery of the Bonds, increase or decrease the Non-Taxable Rate, so long as the Non-Taxable Rate does not exceed fourteen percent (14%) per annum; provided, further, that during any period in which the interest payable on the Bonds is for any reason includible in the gross income (as determined under Section 61 of the Internal Revenue Code of 1954, as amended) of the holder of any of the Bonds, the annual rate of interest payable on the Bonds shall be increased to nineteen percent (19%) per annum (the "Taxable Rate"); and provided, further, that the Board may, by adoption of a resolution under the circumstances set forth in the Assignment, increase or decrease the Taxable Rate, so long as the Taxable Rate does not exceed twenty-two percent (22%) per annum. Interest on the Bonds shall be payable semi-annually on dates to be prescribed by the Board in the Resolution, and shall be calculated on the basis of a 360-day year factor applied to actual days elapsed; and the principal of the Bonds shall be payable in annual installments on dates and in amounts to be prescribed by the Board in the Resolution; provided, however, that under the circumstances set forth in the Assignment, installments of the interest on, and/or principal of, the Bonds shall be payable on such other dates, in such other amounts and for such other periods as the Board may, by the adoption of a resolution, prescribe.

SEC. 4. *And be it further ordained*, That (a) the authority to issue the Bonds is intended and shall be deemed to include the authority to issue bond anticipation notes pursuant to Section 12 of Article 31 of the Annotated Code of Maryland (1976 Replacement Volume and 1980 Cumulative Supplement), as amended (the "Bond Anticipation Note Enabling Legislation"). Reference in this Ordinance to the "Bonds" shall include such bond anticipation notes where appropriate. Prior to the issuance, sale and delivery of any series of bond anticipation notes, the Board shall adopt a resolution or resolutions which shall prescribe the maturity or maturities, interest rate or rates and other terms of such bond anticipation notes and the price or prices at which said notes will be sold. Such bond anticipation notes shall be sold by private negotiation by the

City with a prospective purchaser or purchasers, as authorized by the Bond Anticipation Note Enabling Legislation.

(b) In accordance with the Bond Anticipation Note Enabling Legislation, the City hereby covenants to pay any bond anticipation notes issued pursuant to this Section 4 and the interest thereon from the proceeds of the Bonds in anticipation of the sale of which such notes are issued, and the City hereby further covenants to issue such Bonds when, and as soon as, the reason for deferring the issuance of the Bonds ceases to exist. The timely issuance of such Bonds, however, is dependent upon matters not within the control of the City, including (without limitation) the existence of a purchaser or purchasers for such Bonds at the time the reason for deferring the issuance of the Bonds ceases to exist and the effectiveness of various actions taken by the Borrower, its officers, agents and employees.

SEC. 5. *And be it further ordained*, That the definitive Bonds, which may be engraved, printed or typewritten, shall be substantially in the following form, with such appropriate variations, omissions and insertions as the Board may approve in the Resolution:

#### FORM OF BOND

No. R-----

\$-----

UNITED STATES OF AMERICA  
STATE OF MARYLAND  
BALTIMORE CITY, MARYLAND  
INDUSTRIAL DEVELOPMENT REVENUE BOND  
(DAVID CLARK & ASSOCIATES, INC./  
RICHMOND SMITH PARTNERSHIP PROJECT)

FOR VALUE RECEIVED, MAYOR AND CITY COUNCIL OF BALTIMORE, a body politic and corporate and a political subdivision of the State of Maryland (the "Issuer"), hereby promises to pay (but only out of the "Receipts and Revenues of the Issuer from the Loan" as hereinafter defined) to \_\_\_\_\_  
(the "Original Purchaser") or its successor or registered



assignee or legal representative the principal sum of \_\_\_\_\_ DOLLARS (\$\_\_\_\_\_), payable in installments and in the manner hereinafter set forth, and to pay interest on the unpaid principal amount hereof from (*date of issuance*), 1981, until paid in full (or, if this bond, or any portion hereof, shall have been duly called for early redemption and payment of the redemption price shall have been made or provided for, until the date fixed for such early redemption) at an annual rate (the "Non-Taxable Rate") equal to eleven percent (11%) per annum (or at such increased or decreased Non-Taxable Rate as the Issuer may, under the circumstances and in the manner set forth in the Assignment (hereinafter defined), prescribe, so long as the Non-Taxable Rate does not exceed fourteen percent (14%) per annum) (calculated on the basis of a 360-day year factor applied to actual days elapsed), payable at the times and in the manner hereinafter set forth; provided, however, that during any period in which the interest payable hereon is for any reason includible in the gross income (as determined under Section 61 of the Internal Revenue Code of 1954, as amended) of any holder hereof, the annual rate of interest payable on the unpaid principal amount hereof shall be increased to nineteen percent (19%) per annum (the "Taxable Rate") (or at such increased or decreased Taxable Rate as the Issuer may, under the circumstances and in the manner set forth in the Assignment, prescribe, so long as the Taxable Rate does not exceed twenty-two percent (22%) per annum) (calculated on the basis of a 360-day year factor applied to actual days elapsed).

The principal hereof and interest hereon shall be paid in any coin or currency of the United States of America which, at the respective times of payment, is legal tender for the payment of public and private debts, as follows:

(a) interest only shall be payable on (*six, twelve and eighteen months after date of issuance*), by check or draft mailed by the David Clark & Associates, Inc./Richmond Smith Partnership, a Maryland general partnership (the "Borrower"), to the registered holder hereof at its address as it appears on the bond registration books of the Issuer, without the necessity of surrendering or presenting this bond, and such payment shall fully discharge the obliga-

tion of the Issuer herein to the extent of the payment so made;

(b) then, commencing on (*twenty-four months after date of issuance*), and on the \_\_\_\_\_ day of each and every \_\_\_\_\_ and \_\_\_\_\_ thereafter, to and including (*twenty-fifth anniversary of date of issuance*), combined payments of interest and principal shall be payable in equal, consecutive, semi-annual installments of \$\_\_\_\_\_ each (or in such other installments as the Issuer may, under the circumstances and in the manner set forth in the Assignment, prescribe), by check or draft mailed by the Borrower to the registered holder hereof at the address indicated on the bond registration books of the Issuer, without the necessity of surrendering or presenting this bond, and all such payments shall fully discharge the obligation of the Issuer herein to the extent of the payments so made; and

(c) the entire, unpaid principal amount hereof and all accrued and unpaid interest hereon shall be due and payable on \_\_\_\_\_, if not paid earlier.

Notwithstanding any other provision of this bond, during any period in which the interest payable hereon is for any reason includible in the gross income (as determined under Section 61 of the Internal Revenue Code of 1954, as amended) of any registered holder hereof, the rate of interest payable hereon shall be increased to the Taxable Rate; and the Issuer agrees to make all payments due hereon during any such period in an amount increased (retroactively and prospectively) to include interest at the Taxable Rate, and the semi-annual installments of principal and interest as stated above shall be adjusted accordingly during any such period.

Any payment of interest or of interest and principal required to be made hereunder which is not made within \_\_\_\_\_ days from the date on which the same is due and payable shall continue as an obligation of the Issuer until the amount of such payment is fully paid, and the Issuer agrees to pay, to the extent permitted by law and subject to the limitations contained herein, interest thereon at the Taxable Rate from the date the same becomes due and payable until paid in full.

The Issuer shall also pay, solely from the sources hereinafter referred to, and in addition to the amounts payable under the preceding paragraph hereof, a late charge equal to \_\_\_\_\_ percent of any aggregate, semi-annual payment of interest or of principal and interest as set forth above which is made more than \_\_\_\_\_ days after the date on which the same becomes due and payable.

All payments hereon, including prepayments, shall be applied first to accrued and unpaid interest and the balance to principal.

This bond is issued under and pursuant to the Constitution and the laws of the State of Maryland, particularly Sections 266A to 266-I, inclusive, of Article 41 of the Annotated Code of Maryland (1978 Replacement Volume and 1980 Cumulative Supplement), as amended (the "Act"), and under and pursuant to Ordinance No. \_\_\_\_ of the Issuer, approved by the Mayor of the Issuer on \_\_\_\_\_, 1981 (the "Ordinance"), and by a resolution adopted by the Board of Finance of the Issuer on \_\_\_\_\_, 1981 (the "Resolution"), for the purpose of financing the acquisition of a certain industrial building to be located in the City of Baltimore (the "Industrial Building") by the Borrower.

The proceeds of this bond are being loaned to the Borrower by the Issuer under a Loan and Security Agreement dated as of \_\_\_\_\_, 1981, by and between the Borrower and the Issuer (the "Loan Agreement").

This bond is issued under an Assignment and Security Agreement dated \_\_\_\_\_, 1981, by and among the Issuer, the Original Purchaser and one or more trustees (the "Trustee") (the "Assignment") and, to the extent provided therein, is secured and entitled to the protection given by the Assignment. Pursuant to the Assignment the Issuer has assigned to the Original Purchaser, its successors and assigns (among other things) the "Receipts and Revenues of the Issuer from the Loan," which term is used herein as defined in the Assignment and which as therein defined includes all the payments payable to the Issuer pursuant to the Loan Agreement (including all enforcement remedies with respect thereto) and all other revenues of the Issuer attributable to the financing of the Industrial



Building (excepting only the rights of the Issuer to indemnification by the Borrower and to payments to the Issuer for expenses incurred by the Issuer itself).

Pursuant to the Loan Agreement, payments sufficient for the prompt payment when due of the principal of, and premium (if any) and interest on, this bond are to be paid by the Borrower on behalf of the Issuer directly to the registered holder hereof by check or draft mailed to its address as it appears on the bond registration books of the Issuer, such payments having been assigned by the Issuer for that purpose. The obligations of the Borrower under the Loan Agreement are secured by, among other things, (a) a Mortgage dated . . . . ., 1981, conveying the Borrower's interest in the land on which the Industrial Building is located to the City and the Original Purchaser (the "Mortgage") and (b) an Assignment of Leases dated . . . . ., 1981, pursuant to which the Borrower has assigned to the Issuer and the Original Purchaser all of its right, title and interest in and to, and remedies under, any and all leases of any portions of the Industrial Building (the "Assignment of Leases"). The payment of the principal of, and premium (if any) and interest on, this bond is fully, unconditionally and irrevocably guaranteed pursuant to a Guaranty Agreement executed by the Borrower and delivered to the Original Purchaser.

As more fully provided in the Assignment, this bond does not constitute an indebtedness or obligation to which the faith and credit of the Issuer are pledged but is a limited obligation of the Issuer, which is obligated to pay the principal of, and interest and redemption premium (if any) on, this bond only out of the Receipts and Revenues of the Issuer from the Loan. This bond may also be paid out of any other moneys made available to the Issuer for the payment thereof. By the terms of the Act, the principal of, and interest and redemption premium (if any) on, this bond do not, and shall not ever, constitute an indebtedness or charge against the general credit or taxing powers of the Issuer within the meaning of any constitutional or charter provision or statutory limitation and shall not constitute or give rise to any pecuniary liability of the Issuer.

Reference is hereby made to the Assignment for a full and complete statement of the provisions with respect to the custody and application of the proceeds of this bond, the collection and disposition of the Receipts and Revenues of the Issuer from the Loan assigned as security for the payment of this bond and the interest thereon, the nature and extent of the security and the rights of the registered holder of this bond, the terms and conditions on which, and the purposes for which, this bond is issued, and the respective rights, duties and obligations of the Issuer, the Trustee and the Bank, to all of which the registered holder hereof, by acceptance of this bond, assents.

In the manner and with the effect provided in the Assignment, this bond is subject to redemption prior to maturity, with the payment of such premiums and/or penalties (if any) as the Assignment provides, as follows:

(a) This bond shall be redeemed, at the option of the Issuer, prior to maturity, under the circumstances and at the times set forth in the Assignment, either as a whole at any time or in part from time to time in multiples of \$5,000, at a redemption price equal to the principal amount hereof to be redeemed, together with unpaid interest accrued to the date fixed for redemption, by application of moneys available for that purpose, other than moneys to be applied as provided in (b) below; provided, that any partial redemption shall be applied to the principal to be redeemed in the inverse order of the installment payment dates.

(b) This bond shall be redeemed, under the circumstances and at the times set forth in the Assignment, as a whole but not in part, at a redemption price equal to the principal amount hereof, together with unpaid interest accrued to the date fixed for redemption, upon the Borrower's exercise of any option to prepay the Loan pursuant to the provisions of the Loan Agreement.

(c) This bond shall be redeemed, at the option of the registered holder hereof, in whole or in part, at a redemption price equal to the principal amount hereof, together with unpaid interest accrued to the date fixed for redemption, upon the occurrence of certain conditions more particularly described in the Assignment and the Loan Agree-

ment; provided that any such partial redemption shall be applied to reduce the unpaid principal balance of this bond, and the semi-annual installments of principal and interest as stated above shall be adjusted to provide for amortization of the remaining principal balance thereafter in equal installments over the term remaining to maturity of this bond, with interest as herein provided.

(d) At the option of the registered holder hereof, this bond shall be redeemed, in whole but not in part, upon any occurrence under the Loan Agreement, the Mortgage, the Assignment of Leases, the Assignment or any other document executed in connection with this bond which gives such holder the option to accelerate the maturity of amounts payable under the Loan Agreement and/or this bond.

Any such redemption, either in whole or in part, shall be made upon at least ..... days' prior written notice in the manner and upon the terms and conditions provided in the Assignment. If this bond or any portion hereof shall have been duly called for redemption, and if payment of the redemption price, together with unpaid interest accrued to the date fixed for redemption, shall have been made (all as more fully set forth in the Assignment), then interest on this bond or such portion hereof so called shall cease to accrue from the date fixed for redemption; and from and after such date this bond or the portion hereof duly called for redemption shall no longer be entitled to any benefit or security under the Assignment, and, except as provided in Section ..... of the Loan Agreement, the registered holder hereof shall have no rights in respect of this bond or such portion hereof so called for redemption except to receive payment of such redemption price and unpaid interest accrued to the date fixed for redemption.

The amount of any partial prepayment, and the date on which the same is made, shall be noted by the registered holder on Schedule A attached hereto and made a part hereof.

In certain events, on the conditions, in the manner and with the effect set forth in the Assignment, the principal of this bond may become or may be declared to be due



and payable before the stated maturity hereof, together with the interest accrued thereon.

The registered holder of this bond shall have no right to enforce the provisions of the Assignment, or to institute any action to enforce the covenants therein contained, or to take any action with respect to any default under the Assignment, or to institute, appear in or defend any suit or other proceeding with respect thereto, except as provided in the Assignment.

This bond shall be registered on the books of the Issuer to be kept for that purpose by the Director of Finance of the Issuer or any officer succeeding to his duties. This bond shall be transferable upon such books only by the registered holder or by its duly authorized officer or attorney. This bond may be transferred or exchanged upon surrender hereof at the office of the Director of Finance of the Issuer with a written instrument of transfer satisfactory to the Director of Finance, duly executed by the registered holder hereof or his duly authorized officer or attorney. Such transfers or exchanges shall be without charge to the registered holder hereof, but any taxes or other governmental charges required to be paid with respect to the same shall be paid by the registered holder requesting such transfer or exchange as a condition precedent to the exercise of such privilege.

The Issuer and the Borrower may deem and treat the person in whose name this bond is registered as the absolute owner hereof for all purposes; and neither the Issuer nor the Borrower shall be affected by any notice to the contrary.

All acts, conditions and things required by the Constitution and statutes of the State of Maryland, the Ordinance, the Resolution and the Assignment to exist, to have happened and to have been performed precedent to and in the issuance of this bond, do exist, have happened and have been performed.

No covenant or agreement contained in this bond or the Assignment shall be deemed to be a covenant or agreement of any officer, agent or employee of the Issuer in his or her individual capacity, and neither the members of the

City Council of Baltimore nor any official executing this bond shall be liable personally on this bond or be subject to any personal liability or accountability by reason of the issuance of this bond.

IN WITNESS WHEREOF, the Issuer has caused this bond to be executed in its name and on its behalf by its Mayor, by his manual or facsimile signature, and by its Director of Finance, by his manual or facsimile signature, and has caused its corporate seal or a facsimile thereof to be impressed or otherwise reproduced hereon, and attested by its Custodian of the City Seal, by his manual signature, all as of the ..... day of....., 1981.

MAYOR AND CITY  
COUNCIL OF BALTIMORE

(SEAL)

By .....  
Mayor

ATTEST:

..... By .....  
Custodian of the City Seal      Director of Finance

### SCHEDULE A

No. R ..... \$......

Baltimore City, Maryland

Industrial Development Revenue Bond

(David Clark & Associates, Inc./  
Richmond Smith Partnership Project)

.....

.....

|             |                             |                              |
|-------------|-----------------------------|------------------------------|
| <i>Date</i> | <i>Amount of Redemption</i> | <i>Manner of Application</i> |
|-------------|-----------------------------|------------------------------|

SEC. 6. *And be it further ordained*, That the Bonds shall be executed in the name of the City and on its behalf by the Mayor of the City, by his manual or facsimile signa-

ture, and by the Director of Finance of the City, by his manual or facsimile signature, and the corporate seal of the City or a facsimile thereof shall be impressed or otherwise reproduced thereon and attested by the Custodian of the City Seal, by his manual signature. The Loan Agreement, the Assignment, the Assignment of Leases and (where applicable) all other documents as the Board shall deem necessary to effectuate the issuance, sale and delivery of the Bonds, shall be executed in the name of the City and on its behalf by the Mayor of the City by his manual signature, and the corporate seal of the City or a facsimile thereof shall be impressed or otherwise reproduced thereon and attested by the Custodian of the City Seal by his manual signature. In case any officer whose signature or a facsimile of whose signature shall appear on the Bonds or any of the aforesaid documents shall cease to be such officer before the delivery of the Bonds or any of the other aforesaid documents, such signature or such facsimile shall nevertheless be valid and sufficient for all purposes, the same as if such officer had remained in office until delivery. The Mayor of the City, the Director of Finance of the City, the Custodian of the City Seal and other officials of the City are hereby authorized and empowered to do all such acts and things and to execute all such documents and certificates as the Board may determine in the Resolution to be necessary to carry out and comply with the provisions hereof.

SEC. 7. *And be it further ordained*, That the Bonds shall be executed, issued and delivered at any time or from time to time and in such amount or amounts not exceeding, in the aggregate, the principal amount of \$2,000,000 as the Board shall prescribe in the Resolution.

SEC. 8. *And be it further ordained*, That the Bonds shall be dated, shall be in such denominations, may be of such tenor (not materially inconsistent with the form of the Bonds set forth in Section 4 of this Ordinance), and may be payable in such amounts, at such times not exceeding thirty (30) years from the date thereof, and at such place or places as the Board shall prescribe in the Resolution.

SEC. 9. *And be it further ordained*, That the Bonds will be subject to redemption prior to maturity upon the terms



and conditions contained in the form of the Bonds set forth in Section 4 of this Ordinance and upon such other terms and conditions as the Board shall prescribe in the Resolution.

SEC. 10. *And be it further ordained*, That prior to the issuance, sale and delivery of the Bonds the Board shall adopt the Resolution pursuant to which the Board shall:

(a) prescribe the final form, tenor, terms and conditions of and security for the Bonds;

(b) prescribe the actual amounts, denominations, date, interest due dates, principal installment due dates, actual maturity or maturities (within the limits herein prescribed), place or places of payment of the Bonds, and final terms, conditions and details under which the Bonds may be called for redemption prior to their stated maturity;

(c) appoint a bank having trust powers, or a trust company, or an individual (or individuals) as Trustee for the "Project Fund" established under the Assignment;

(d) approve the form and contents, and authorize the execution and delivery (where applicable) of (i) the Loan Agreement, (ii) the Assignment, (iii) the Mortgage, (iv) the Guaranty Agreement, (v) the Assignment of Leases, and (vi) such other documents, including (without limitation) mortgages, deeds of trust, guaranties and security instruments, as the Board shall deem necessary to effectuate the issuance, sale and delivery of the Bonds;

(e) determine the time of execution, issuance, sale and delivery of the Bonds and prescribe any and all other details of the Bonds;

(f) provide for the direct payment by the Borrower of all costs, fees and expenses incurred by or on behalf of the City in connection with the issuance, sale and delivery of the Bonds, including (without limitation) costs of printing (if any) and issuing the Bonds, legal expenses (including the fees of bond counsel) and compensation to any person (other than full time employees of the City) performing services by or on behalf of the City in connection therewith;

(g) award the Bonds; and

(h) do any and all things, and authorize the officials of the City to do any and all things, necessary, proper or expedient in connection with the issuance, sale and delivery of the Bonds.

SEC. 11. *And be it further ordained*, That the Loan Agreement shall contain such terms, provisions and conditions as the Board shall prescribe in the Resolution, which may include (without limitation) the following:

(a) provisions for the making of the Loan by the City to the Borrower and provisions for the repayment by the Borrower of the principal of and interest on the Loan;

(b) a description of the security for the Loan;

(c) such representations, warranties, findings and affirmative and negative covenants as the Board may determine to be necessary, proper or expedient in connection with the issuance, sale and delivery of the Bonds;

(d) provisions for the issuance of the Bonds and the application and disbursement of the proceeds of the Bonds;

(e) provisions regarding the duration of the term of the Loan, ownership and possession of the Industrial Building and the amounts payable by the Borrower;

(f) provisions regarding damage to and condemnation of the Industrial Building or any part thereof and the application of the net proceeds of any insurance claim or condemnation award;

(g) provisions for the appointment of an authorized City representative and an authorized Borrower representative;

(h) covenants with respect to the use, maintenance, modification, operation and transfer of, and access to, the Industrial Building and with respect to the use of the proceeds of the Bonds;

(i) provisions regarding the assignment of the Loan Agreement;

(j) provisions regarding the prepayment of the Loan by the Borrower;

(k) provisions regarding the remedies of the holder(s) of the Bonds (as assignee(s) of the City) in the event of default; and

(l) such other terms, provisions and conditions as the Board may determine to be necessary, proper or expedient in connection with the issuance, sale and delivery of the Bonds.

SEC. 12. *And be it further ordained*, That the Assignment shall contain such terms, provisions and conditions as the Board shall prescribe in the Resolution for the protection and enforcement of the rights and remedies of the holders of the Bonds, which may include (without limitation) the following:

(a) a description of the Bonds and the form of the Bonds;

(b) the manner of execution, registration and transfer of the Bonds;

(c) provisions for delivery of the Bonds;

(d) the terms and conditions under which the Bonds may be redeemed prior to their stated maturity and the details of the procedure for the redemption of the Bonds;

(e) provisions for the custody and application of, and security for, the proceeds of the Bonds and the investment of such proceeds;

(f) the remedies of the holders of the Bonds in the event of default;

(g) the duties, rights and immunities of the Trustee;

(h) the manner of execution of instruments by the holders of the Bonds and the method of proof of ownership of the Bonds;

(i) provisions for the modification of the Assignment and the Loan Agreement;

(j) provisions for the defeasance of the Assignment;

(k) provisions for the prescription by the Board of certain of the terms and conditions of the Bonds, before their issuance, sale and delivery; and



(1) such other terms, provisions and conditions as the Board may determine to be necessary, appropriate or expedient in connection with the issuance, sale and delivery of the Bonds.

SEC. 13. *And be it further ordained*, That, as authorized by the Act, the Bonds shall be sold to the Original Purchaser at private (negotiated) sale upon such terms and conditions as shall be approved by the Board in the Resolution.

SEC. 14. *And be it further ordained*, That the City hereby accepts the Letter of Intent in order to further evidence the commitment of the City to issue, sell and deliver the Bonds in accordance with the terms and provisions of this Ordinance.

SEC. 15. *And be it further ordained*, That neither the Bonds nor the interest or redemption premium, if any, thereon shall ever constitute an indebtedness or general obligation of the City or a charge against, or pledge of the general credit or taxing powers of, the City within the meaning of any constitutional or charter provision or statutory limitation, or ever constitute or give rise to any pecuniary liability of the City. The Bonds and the interest and redemption premium, if any, thereon shall be limited obligations of the City, and shall be payable solely from (i) certain revenue derived from Loan repayments (both principal and interest) made to the City by the Borrower on account of the Loan, (ii) moneys derived from any collateral pledged under the Loan Agreement or under any assignment of lease, mortgage, deed of trust, guaranty or security agreement executed or delivered in connection with the Bonds or the Loan, and (iii) any other moneys made available to the City for such purpose. Accordingly, this Ordinance definitely fixes and determines the entire amount of the above-described receipts and revenues of the City from the Loan (except for certain rights of the City to indemnification and to payments in respect of its administrative expenses in connection with the Bonds and the Loan) to be the amount of revenue derived from payments with respect to the Loan which is necessary to be set apart and applied to the payment of principal of, and in-

terest and redemption premium (if any) on, the Bonds. The proceeds of the Bonds will be deposited with the Trustee to be held and disbursed by the Trustee as provided in the Assignment to be approved by the Board in the Resolution. The payments to be made by the Borrower pursuant to the Loan Agreement will be paid directly to the registered holder(s) of the Bonds as provided in the Assignment to be approved by the Board in the Resolution. No such moneys will be commingled with the City's funds or be subject to the absolute control of the City, but will be subject only to such limited supervision and checks as are deemed necessary or desirable by the City to insure that the proceeds of the Bonds are used to accomplish the public purposes of the Act and this Ordinance.

SEC. 16. *And be it further ordained*, That in consideration of the purchase and acceptance of the Bonds by those who shall hold the Bonds from time to time, the City does hereby, and by the execution and delivery of the Assignment to be approved by the Board shall, pledge the income and revenue under the Loan Agreement (other than payments to the City for indemnification or to reimburse the City for expenses incurred by the City itself) to the Original Purchaser, its successors and assigns, to be used and applied for the payment of the principal of, and premium (if any) and interest on, the Bonds. Pursuant to the terms of the Loan Agreement, to be approved by the Board in the Resolution, payments sufficient for the prompt payment when due of the principal of, and premium (if any) and interest on, the Bonds are to be paid by the Borrower directly to the registered holder(s) of the Bonds for the account of the City, and such payments shall be assigned by the City to the Original Purchaser, its successors and assigns under the Assignment.

SEC. 17. *And be it further ordained*, That the provisions of this Ordinance are severable, and if any provision, sentence, clause, section or part hereof is held illegal, invalid or unconstitutional, or inapplicable to any person or circumstances, such illegality, invalidity, unconstitutionality or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance or their application to other persons

or circumstances. It is hereby declared to be the legislative intent that this Ordinance would have been passed if such illegal, invalid or unconstitutional provision, sentence, clause, section or part had not been included herein, and if the person or circumstances to which this ordinance or any part hereof are inapplicable had been specifically excluded herefrom.

SEC. 18. *And be it further ordained*, That the Borrower shall agree that:

(a) It will submit any plans and specifications for the acquisition of the Industrial Building to the Department of Housing and Community Development of the City for approval, with the understanding that, in addition to the economic feasibility of the acquisition of the Industrial Building, the Department of Housing and Community Development may consider, without limitation, the suitability of the site plan, architectural treatment, building plans, elevations, materials, color, construction details, access, parking, loading, landscaping, identification signs, exterior lighting, refuse collection details, streets, sidewalks and harmony between the plans and the surroundings of the proposed Industrial Building, and that the Department of Housing and Community Development may refuse approval of any such plans and specifications for aesthetic or functional reasons; and

(b) It and its developers will work with the design advisory group appointed by the Department of Housing and Community Development in order to achieve high quality site, building and landscape design.

SEC. 19. *And be it further ordained*, That if the Bonds are not issued and sold within six months from the date on which this Ordinance is approved by the Mayor of the City, the authorization provided in this Ordinance for the City to issue and sell the Bonds shall expire; provided, however, that the Board may, upon a showing of good cause at a public hearing held before the Board, extend such authorization for one additional period not to exceed six months. The Board, in its sole discretion, shall determine the sufficiency, or lack thereof, of the reasons presented for any



requested extension of this Ordinance. If an extension is granted, notice of such extension and the reasons therefor must be sent to the City Council.

SEC. 20. *And be it further ordained*, That this Ordinance shall take effect from the date of its passage.

Approved July 2, 1981.

WILLIAM DONALD SCHAEFER, *Mayor*.

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No. 414

(Council No. 713)

AN ORDINANCE concerning

INDUSTRIAL DEVELOPMENT REVENUE BONDS—  
BALTIMORE INVESTMENT ASSOCIATES

FOR the purpose of supplementing and amending Ordinance No. 119 of Mayor and City Council of Baltimore, approved by the Mayor on July 9, 1980, to extend from six months to 24 months the authorization for the City to issue, sell and deliver the industrial development revenue bonds authorized by Ordinance No. 119 and to be designated "Baltimore City, Maryland Industrial Development Revenue Bonds (Baltimore Investment Associates Project).

BY repealing and reenacting, with amendments,  
Ordinance No. 119 of Mayor and City Council of  
Baltimore, approved July 9, 1980  
Section 17

#### RECITALS

WHEREAS, Mayor and City Council of Baltimore (the "City"), by Ordinance No. 119, approved by the Mayor of the City on July 9, 1980 (the "Ordinance"), authorized and empowered the City to issue, sell and deliver, at any time or from time to time and in one or more series, as limited obligations of the City and not upon its full

faith and credit, its Baltimore City, Maryland Industrial Development Revenue Bonds (Baltimore Investment Associates Project), in the aggregate principal amount not to exceed \$9,000,000 (the "Bonds"), subject to the provisions of the Ordinance, and to lend the proceeds thereof to Baltimore Investment Associates, a Maryland general partnership (the "Borrower"), for the sole and exclusive purpose of financing the costs of the acquisition, renovation, remodeling, rehabilitation and improvement by the Borrower of the interior of the two office buildings located at Fayette and Calvert Streets in Baltimore City and known as the Equitable Building and the Munsey Building (the "Project") ; and

WHEREAS, the City has been advised by the Borrower that the Borrower, acting in reliance upon the Ordinance and in anticipation of the consummation of the financing authorized therein, has begun the Project and has expended and committed substantial sums of money in connection therewith; and

WHEREAS, the City has been further advised by the Borrower that economic and financial considerations, including the uncertain and generally unfavorable conditions that have prevailed in the national bond market since the enactment of the Ordinance, have made it impractical for the Borrower to request that the City issue and sell the Bonds within the time limits contemplated by Section 17 of the Ordinance; and

WHEREAS, the Borrower has informed the City that, should the authorization to issue the Bonds be extended, the Borrower intends to proceed with the financing and the completion of the Project through the loan of the proceeds of the Bonds as authorized by the Ordinance, and, therefore, the Borrower has requested an extension from six months to 24 months of the authorization provided in the Ordinance for the City to issue and sell the Bonds; and

WHEREAS, the City has determined that the issuance and sale of the Bonds by the City pursuant to Subsection (50) of Article II of the Charter of Baltimore City (1964 Revision), as amended (the "Enabling Law") and the completion of the Project and the financing

thereof, as provided in the Ordinance, will promote the declared legislative purposes of the Enabling Law and are in the best interests of the citizens of Baltimore City, Maryland, and that in order to accomplish the public purposes of the Enabling Law and the Ordinance, it is in the best interests of the citizens of Baltimore City, Maryland to extend from six months to 24 months the authorization to issue the Bonds pursuant to the Ordinance.

NOW, THEREFORE, IN ACCORDANCE WITH THE ENABLING LAW:

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That Section 17 of the Ordinance is hereby repealed, amended, and reenacted as follows:

SEC. 17. *And be it further ordained*, That if the Bonds are not issued and sold within [six] *twenty-four* months from the date on which this Ordinance is approved by the Mayor of the City, the authorization provided in this Ordinance for the City to issue and sell the Bonds shall expire; provided, however, that the Board may, after a showing of good cause at a public hearing held before the Board, extend such authorization [of] *for* one additional term not to exceed six months. The Board, in its sole discretion shall determine the sufficiency, or lack thereof, of the reasons presented for any requested extension of this Ordinance. If an extension is granted, notice of such extension and the reasons therefor must be sent to the City Council.

SEC. 2. *And be it further ordained*, That this supplemental ordinance shall take effect from the date of its passage.

Approved July 2, 1981.

WILLIAM DONALD SCHAEFER, *Mayor*.



## No. 415

(Council No. 719)

## AN ORDINANCE concerning

INDUSTRIAL DEVELOPMENT REVENUE BONDS—  
(DAY REALTY OF SOUTH CAROLINA, INC.)

FOR the purpose of authorizing and empowering Mayor and City Council of Baltimore to issue and sell, at any time or from time to time and in one or more series, as limited obligations of the City and not upon its full faith and credit, its industrial development revenue bonds, in the aggregate principal amount not to exceed \$10,000,000, pursuant to the provisions of Sub-section (50) of Article II of the Charter of Baltimore City (1964 Revision), as amended, for the sole and exclusive purpose of financing the cost of the completion by Day Realty of South Carolina, Inc., a South Carolina corporation, of a certain project in Baltimore City consisting of the acquisition, design, construction, equipping and fixturing of a nine-story hotel building and related facilities in the Inner Harbor West Renewal area; authorizing the Mayor of the City, on behalf of the City, to accept the letter of intent dated June 17, 1981 from Day Realty of South Carolina, Inc. to the City; making certain legislative findings; authorizing and empowering the Board of Finance of the City, by a resolution or resolutions adopted prior to the issuance, sale and delivery of any series of such bonds, to (a) prescribe, among other things but not limited to, the form, terms, provisions, manner or method of issuing and selling (including negotiated as well as competitive bid sale), and the time or times of issuance, and any and all other details of such bonds, and (b) do any and all things necessary, proper or expedient in connection with the issuance and sale of such bonds; providing that Day Realty of South Carolina, Inc. shall agree to submit any plans and specifications to, and to coordinate with, the Department of Housing and Community Development in connection with the completion of such project; providing that such bonds (or bond anticipation notes issued in anticipation of the issuance of such bonds) must be issued and sold

within six months from the date this Ordinance is approved by the Mayor, unless the Board of Finance approves one six month extension as provided in this Ordinance; authorizing the issuance of notes in anticipation of the issuance of such revenue bonds; and generally providing for and determining various matters and details in connection with the issuance and sale of such bonds and bond anticipation notes.

### RECITALS

Sub-section (50) of Article II of the Charter of Baltimore City (1964 Revision), as amended (the "Enabling Law"), empowers Mayor and City Council of Baltimore (the "City") to borrow money to finance undertakings for the accomplishment of any of the purposes, objects and powers of the City and in connection therewith to issue bonds, notes, or other obligations (including refunding bonds, notes or other obligations), all of which shall be fully negotiable, payable, as to both principal and interest, solely from and secured solely by a pledge of (I) the revenues from or arising in connection with the property, facilities, developments and improvements whose financing is undertaken by the issuance of such bonds, notes or other obligations, (II) the revenues from or arising in connection with any contracts, mortgages or other securities purchased or otherwise acquired with the proceeds of such bonds, notes or other obligations, (III) the contracts, mortgages or other securities purchased or otherwise acquired with the proceeds of such bonds, notes or other obligations, or (IV) any combination of (I), (II) or (III). The purposes, objects and powers of the City contemplated by the Enabling Law include the relief of conditions of unemployment in Baltimore City, encouraging the increase of industry and a balanced economy in Baltimore City, promoting economic development in Baltimore City, and promoting the health, welfare and safety of the residents of Baltimore City.

The City has received a letter of intent dated June 17, 1981 (the "Letter of Intent") from Day Realty of South Carolina, Inc., a South Carolina corporation (the "Borrower"), pursuant to which the Borrower has requested

the City to participate in the financing of the costs of the completion by the Borrower of a certain project in Baltimore City, Maryland (the "Project"), by issuing and selling the City's industrial development revenue bonds in the aggregate principal amount not to exceed \$10,000,000 (the "Bonds"), and by making the proceeds of the Bonds available to the Borrower to be used by the Borrower for the sole and exclusive purpose of financing the costs of the completion of the Project by the Borrower.

The Project, which is an "undertaking" which will accomplish the purposes, objects and powers of the City as mentioned in the Enabling Law, will consist of the acquisition, design, construction, equipping and fixturing of a nine-story hotel building and related facilities in the Inner Harbor West Renewal area, all as more fully described in the Letter of Intent.

The Enabling Law provides that the City may authorize and empower the Board of Finance of the City (the "Board") by resolution to determine and set forth the form, terms, provisions, manner or method of issuing and selling (including negotiated as well as competitive bid sale), and the time or times of issuance, and any and all other details of the Bonds and the issuance and sale thereof, and to do any and all things necessary, proper or expedient in connection with the issuance and sale of the Bonds.

**NOW THEREFORE, IN ACCORDANCE WITH THE ENABLING LAW:**

**SECTION 1.** *Be it ordained by the Mayor and City Council of Baltimore,* That, acting pursuant to the Enabling Law, it is hereby found and determined as follows:

(1) The issuance and sale of the Bonds by the City pursuant to the Enabling Law in order to make the proceeds thereof available to the Borrower for the sole and exclusive purpose of financing a portion of the costs of completion of the Project will facilitate and expedite the completion of the Project by the Borrower.

(2) The completion of the Project by the Borrower and the financing of the costs of such completion as provided in



this Ordinance will serve to promote the general purposes contemplated by the Enabling Law by (a) sustaining jobs and employment in Baltimore City; (b) promoting economic development in Baltimore City; (c) encouraging the increase of industry and a balanced economy in Baltimore City; and (d) encouraging the expansion of manufacturing operations in Baltimore City.

(3) Any and all of the Bonds shall not be general obligations of the City and shall not be a pledge of or involve the faith and credit or the taxing power of the City and shall not constitute a debt of the City, all within the meaning of Section 7 of Article XI of the Constitution of Maryland or within the meaning of any other constitutional, statutory or charter provision limiting or restricting the sale or issuance of bonds, notes or other obligations of the City. All of the Bonds shall be limited obligations of the City, and shall be fully negotiable, payable, as to both principal and interest, solely from and secured solely by a pledge of (I) the revenues from or arising in connection with the Project, (II) the revenues from or arising in connection with any contracts, mortgages or other securities purchased or otherwise acquired with the proceeds of the Bonds, (III) the contracts, mortgages or other securities purchased or otherwise acquired with the proceeds of the Bonds, or (IV) any combination of (I), (II) or (III), all as the Board may approve by a resolution or resolutions adopted prior to the issuance, sale and delivery of any of the Bonds.

SEC. 2. *And be it further ordained*, That the City is hereby authorized and empowered to issue and sell, at any time or from time to time and in one or more series, as limited obligations of the City and not upon its full faith and credit, its industrial development revenue bonds, in the aggregate principal amount not to exceed \$10,000,000, subject to the provisions of this Ordinance. The proceeds of the Bonds will be made available to the Borrower under terms and conditions approved by the Board and set forth in a Resolution, and used by the Borrower for the sole and exclusive purpose of financing a portion of the costs of the completion of the Project.

SEC. 3. *And be it further ordained*, That this Ordinance constitutes the present intent of the City to issue the Bonds, and the Mayor of the City is hereby authorized to accept the Letter of Intent on behalf of the City in order to further evidence the present intent of the City to issue the Bonds in accordance with the terms and provisions of this Ordinance.

SEC. 4. *And be it further ordained*, That, as permitted by the Enabling Law, the Board is hereby authorized and empowered, by a resolution or resolutions adopted prior to the issuance, sale and delivery of any of the Bonds, to:

(a) prescribe, among other things but not limited to, the form, terms, provisions, manner or method of issuing and selling (including negotiated as well as competitive bid sale), and the time or times of issuance, and any and all other details of the Bonds and the issuance and sale thereof;

(b) approve (i) the pledge or assignment by the City of any of the security described in Section 5 of this Ordinance, pursuant to a trust agreement or similar agreement, (ii) the form of any such trust agreement or similar agreement, as provided in the Enabling Law, and (iii) such provisions in any such trust agreement or similar agreement as the Board may deem reasonable and proper for the security of the holders of the Bonds;

(c) approve the terms and conditions, including but not limited to the terms and conditions of any documents to be executed and delivered by the City (other than customary financing statements and closing certificates), under which the proceeds of the Bonds will be made available to the Borrower to finance a portion of the costs of the completion of the Project; and

(d) do any and all things necessary, proper or expedient in connection with the issuance, sale and delivery of the Bonds.

SEC. 5. *And be it further ordained*, That any and all of the Bonds shall not be general obligations of the City and empowered, by a resolution or resolutions adopted prior to the taxing power of the City, and shall not constitute a debt

of the City, all within the meaning of Section 7 of Article XI of the Constitution of Maryland or any other constitutional, statutory or charter provision limiting or restricting the sale or issuance of bonds, notes or other obligations of the City. All of the Bonds shall be limited obligations of the City, and shall be fully negotiable, payable, as to both principal and interest, solely from and secured solely by a pledge of (I) the revenues from or arising in connection with the Project, (II) the revenues from or arising in connection with any contracts, mortgages or other securities purchased or otherwise acquired with the proceeds of the Bonds, (III) the contracts, mortgages or other securities purchased or otherwise acquired with the proceeds of the Bonds, or (IV) any combination of (I), (II) or (III), all as the Board may approve by a resolution or resolutions adopted prior to the issuance, sale and delivery of any of the Bonds.

SEC. 6. *And be it further ordained*, That the Borrower shall agree that:

(a) it will submit any plans and specifications for the Project to the Department of Housing and Community Development for approval, and that the Department of Housing and Community Development may refuse approval of any plans and specifications for aesthetic or functional reasons; and

(b) it and its developers will work with the design advisory group appointed by the Department of Housing and Community Development in order to achieve high quality site, building, and landscape design.

SEC. 7. *And be it further ordained*, That any and all of the Bonds shall be executed in the name of the City and on its behalf by the Mayor of the City, by his manual or facsimile signature, and by the Director of Finance of the City, by his manual or facsimile signature, and the corporate seal of the City or a facsimile thereof shall be impressed or otherwise reproduced thereon and attested by the Custodian of the City Seal, by his manual signature. Any trust agreement or other documents as the Board shall deem necessary to effectuate the issuance, sale and delivery of the Bonds shall be executed in the name of the



City and on its behalf by the Mayor of the City by his manual or facsimile signature, and the corporate seal of the City or a facsimile thereof shall be impressed or otherwise reproduced thereon and attested by the Custodian of the City Seal by his manual signature. In case any officer whose signature or a facsimile of whose signature shall appear on the Bonds or any of the aforesaid documents shall cease to be such officer before the delivery of the Bonds or any of the other aforesaid documents, such signature or such facsimile shall nevertheless be valid and sufficient for all purposes, the same as if such officer had remained in office until delivery. The Mayor of the City, the Director of Finance of the City, the Custodian of the City Seal and other officials of the City are hereby authorized and empowered to do all such acts and things and execute such documents and certificates as the Board may determine by resolution to be necessary to carry out and comply with the provisions hereof.

SEC. 8. *And be it further ordained*, That any and all necessary financing statements required for the consummation of the transactions authorized by this Ordinance may be executed on behalf of the City by the Mayor of the City or by the Chief, Bureau of Treasury Management of the City or by such other appropriate official of the City as may be designated by the Mayor of the City to execute such financing statements.

SEC. 9. *And be it further ordained*, That the authority to issue the Bonds is intended and shall be deemed to include the authority to issue bond anticipation notes pursuant to Section 12 of Article 31 of the Annotated Code of Maryland (1976 Replacement Volume and 1980 Cumulative Supplement), as amended (the "Bond Anticipation Note Enabling Legislation"). Reference in this Ordinance to the "Bonds" shall include such bond anticipation notes where appropriate. Prior to the issuance, sale and delivery of any series of bond anticipation notes, the Board shall adopt a resolution or resolutions, to:

(a) prescribe, among other things but not limited to, the form, terms, provisions, manner or method of issuing and selling (including negotiated as well as competitive

bid sale), and the time or times of issuance, and any and all other details of such bond anticipation notes and the issuance and sale thereof;

(b) approve (i) the pledge or assignment by the City of any of the security described in Section 5 of this Ordinance, pursuant to a trust agreement or similar agreement, (ii) the form of any such trust agreement or similar agreement, as provided in the Enabling Law, and (iii) such provisions in any such trust agreement or similar agreement as the Board may deem reasonable and proper for the security of the holders of such bond anticipation notes;

(c) approve the terms and conditions, including but not limited to the terms and conditions of any documents to be executed and delivered by the City (other than customary financing statements and closing certificates), under which the proceeds of such bond anticipation notes will be made available to the Borrower to finance the costs of the completion of the Project; and

(d) do any and all things necessary, proper or expedient in connection with the issuance, sale and delivery of such bond anticipation notes.

In accordance with the Bond Anticipation Note Enabling Legislation, the City hereby covenants to pay any bond anticipation notes issued pursuant to this Section of this Ordinance and the interest thereon from the proceeds of the Bonds in anticipation of the sale of which such notes are issued, and the City hereby further covenants to issue such Bonds, as the case may be, when, and as soon as, the reason for deferring the issuance of the Bonds no longer exists. The timely issuance of such Bonds, however, is dependent upon matters not within the control of the City, including (without limitation) the existence of a purchaser or purchasers for such Bonds at the time the reason for deferring the issuance of the Bonds no longer exists and the effectiveness of various actions taken by the Borrower, its officers, agents and employees.

SEC. 10. *And be it further ordained*, That the provisions of this Ordinance are severable, and if any provision, sentence, clause, section or part hereof is held illegal, invalid or unconstitutional or inapplicable to any person or circum-

stances, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this Ordinance or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this Ordinance would have been passed if such illegal, invalid or unconstitutional provision, sentence, clause, section or part had not been included herein, and if the person or circumstances to which this Ordinance or any part hereof are inapplicable had been specifically exempted herefrom.

SEC. 11. *And be it further ordained*, That either the Bonds or bond anticipation notes issued pursuant to Section 9 of this Ordinance in anticipation of the issuance of the Bonds must be issued and sold within six months from the date on which this Ordinance is approved by the Mayor of the City; provided, however, that the Board, after a showing of good cause at a public hearing held before the Board prior to or after the expiration of such six month period, may extend the period during which either the Bonds or such bond anticipation notes may be issued and sold for one additional term not to exceed six months from the date on which the first six month period expired. The Board, in its sole discretion, and without action by the City Council, shall determine the sufficiency, or lack thereof, of the reasons presented for any requested extension of the six month period. If an extension is granted, notice of such extension and the reasons therefor must be sent to the City Council. To the extent that neither the Bonds nor such bond anticipation notes are issued and sold within twelve months from the date on which this Ordinance is approved by the Mayor of the City, the authority provided in this Ordinance for the City to issue and sell the Bonds and such bond anticipation notes shall expire.

SEC. 12. *And be it further ordained*, That this Ordinance shall take effect from the date of its passage.

Approved July 2, 1981.

WILLIAM DONALD SCHAEFER, *Mayor*.



No. 416

(Council No. 590)

AN ORDINANCE concerning

## CITY PROPERTY—SALE

FOR the purpose of authorizing the Mayor and City Council of Baltimore to sell either at public or private sale all the interest of the Mayor and City Council of Baltimore in and to certain parcels of land no longer needed for public use being a portion of Block 7702, Lot 2 (vicinity of the former bed of Peak Avenue).

BY authority of

Article V—Comptroller

Section 5(b)

Baltimore City Charter (1964 Revision as amended)

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That the Comptroller of Baltimore City be and he is hereby authorized to sell at either public or private sale in accordance with Article V, Section 5(b) of the City Charter, all of the interest of the Mayor and City Council of Baltimore in and to those parcels of land situate in Baltimore, Maryland, and described as follows:

## PARCEL NO. 1

BEGINNING for the same at the northeasternmost extremity of the northwest side of the former bed of Peak Avenue, 50 feet wide, as condemned and closed, said point of beginning being the end of the nineteenth line of the first parcel of land conveyed by The Most Reverend William D. Borders, Roman Catholic Archbishop of Baltimore and Associated Catholic Charities Inc. to Mayor and City Council by deed dated March 25, 1975 and recorded among the Land Records of Baltimore City in Liber R.H.B. No. 3219 folio 448 and running thence binding on the northeasternmost extremity of the former bed of said Peak Avenue and reversely on the nineteenth line of the first parcel of land described in said deed, there situate, South 18°-22'-12" East 12.37 feet to the southeast outline of a portion of Interstate Route No. 95 as condemned and

closed; thence binding on the southeast outline of said portion of Interstate Route No. 95, South  $29^{\circ}-37'-56''$  West 56.23 feet to the beginning of the second line of Parcel No. 3 conveyed by Southwest Associates to the Mayor and City Council of Baltimore by deed dated October 30, 1975 and recorded among the said Land Records in Liber R.H.B. No. 3287 folio 96; thence binding on the second line of Parcel No. 3 as described in last said deed and on the southeast outline of said portion of Interstate Route No. 95, as condemned and closed, there situate, as now surveyed, South  $29^{\circ}-37'-56''$  West 175.22 feet; thence binding on part of the third line of Parcel No. 3 as described in last said deed and on the southeast outline of said portion of Interstate Route No. 95, as condemned and closed, there situate, South  $29^{\circ}-01'-23''$  West 122.21 feet; thence for a new line of division through the property now or formerly owned by Mayor and City Council of Baltimore, North  $03^{\circ}-04'-15''$  West 259.18 feet to intersect the northwest side of the former bed of said Peak Avenue and thence binding on the northwest side of the former bed of said Peak Avenue and reversely on part of the last line of the first parcel of land described in the deed mentioned firstly herein, to the beginning thereof, there situate, North  $71^{\circ}-38'-13''$  East 193.57 feet to the place of beginning and containing 25,664.72 square feet or 0.5892 acre of land, more or less.

## PARCEL NO. 2

BEGINNING for the same at a point on the northwest side of the former bed of Peak Avenue, 50 feet wide, as condemned and closed, distant South  $71^{\circ}-38'-13''$  West 20.00 feet measured along the northwest side of the former bed of said Peak Avenue from the northeasternmost extremity thereof, and running thence binding on the northwest side of the former bed of said Peak Avenue and on part of the last line of the first parcel of land conveyed by The Most Reverend William D. Borders, Roman Catholic Archbishop of Baltimore and Associated Catholic Charities Inc. to Mayor and City Council of Baltimore by deed dated March 25, 1975 and recorded among the Land Records of Baltimore City in Liber R.H.B. No. 3219 folio 448, there situate, South  $71^{\circ}-38'-13''$  West 173.57 feet to intersect

the right of way line of through highway for Interstate Route No. 95; thence binding on the right of way line of through highway for Interstate Route No. 95 the three following courses and distances; namely, North  $17^{\circ}-09'-50''$  East 24.75 feet, North  $34^{\circ}-41'-20''$  East 122.12 feet and North  $44^{\circ}-48'-05''$  East 69.01 feet and thence for a new line of division through the property now or formerly owned by Mayor and City Council of Baltimore, South  $18^{\circ}-22'-12''$  East 124.70 feet to the place of beginning and containing 12,414.12 square feet or 0.2850 acre of land, more or less.

### PARCEL NO. 3

BEGINNING for the same at the point formed by the intersection of the third line of Parcel No. 3 conveyed by Southwest Associates to the Mayor and City Council of Baltimore by deed dated October 30, 1975 and recorded among the Land Records of Baltimore City in Liber R.H.B. No. 3287 folio 96 and the right of way line of through highway for Interstate Route No. 95 and running thence binding on the right of way line of through highway for Interstate Route No. 95 the four following courses and distances; namely, North  $23^{\circ}-51'-35''$  East 25.08 feet, North  $09^{\circ}-39'-50''$  East 168.31 feet, North  $10^{\circ}-53'-40''$  West 102.89 feet and North  $17^{\circ}-09'-50''$  East 66.33 feet to intersect the northwest side of the former bed of Peak Avenue, 50 feet wide, as condemned and closed; thence for a new line of division through the property now or formerly owned by Mayor and City Council of Baltimore, South  $03^{\circ}-04'-15''$  East 259.18 feet to intersect the third line of Parcel No. 3 as described in said deed and thence binding on part of the third line of Parcel No. 3 as described in said deed, South  $29^{\circ}-01'-23''$  West 108.03 feet to the place of beginning and containing 5,380.54 square feet or 0.1235 acre of land, more or less.

### PARCEL NO. 4

BEGINNING for the same at the northeasternmost extremity of the northwest side of the former bed of Peak Avenue, 50 feet wide, as condemned and closed, said point of beginning being the beginning of the last line of the first parcel of land conveyed by The Most Reverend William D. Borders, Roman Catholic Archbishop of Baltimore



and Associated Catholic Charities Inc. to Mayor and City Council of Baltimore by deed dated March 25, 1975 and recorded among the Land Records of Baltimore City in Liber R.H.B. No. 3219 folio 448 and running thence binding on the northwest side of the former bed of said Peak Avenue and on part of the last line of the first parcel of land described in said deed, there situate, South  $71^{\circ}-38'-13''$  West 20.00 feet; thence for a new line of division through the property now or formerly owned by Mayor and City Council of Baltimore, North  $18^{\circ}-22'-12''$  West 124.70 feet to intersect the right of way line of through highway for Interstate Route No. 95; thence binding on the right of way line of through highway for Interstate Route No. 95 the two following courses and distances; namely, North  $44^{\circ}-48'-05''$  East 72.67 feet and North  $61^{\circ}-09'-45''$  East 184.35 feet to intersect the sixteenth line of the first parcel of land described in said deed; thence binding on part of the sixteenth line of the first parcel of land described in said deed, to the end thereof, South  $35^{\circ}-00'-19''$  West 144.92 feet; thence binding on the seventeenth and eighteenth lines of the first parcel of land described in said deed, the two following courses and distances; namely, South  $24^{\circ}-05'-20''$  West 138.76 feet and South  $29^{\circ}-37'-55''$  West 21.73 feet to the northeasternmost extremity of the former bed of said Peak Avenue and thence binding on the northeasternmost extremity of the former bed of said Peak Avenue and on the nineteenth line of the first parcel of land described in said deed, there situate, North  $18^{\circ}-22'-12''$  West 12.37 feet to the place of beginning and containing 18,636.44 square feet or 0.4278 acre of land, more or less.

All courses and distances in the above descriptions are referred to the true meridian as adopted by the Baltimore Survey Control System.

SUBJECT TO a 20 foot perpetual easement for outlet ditch located within Parcels No. 1 and 3 to be conveyed by the Mayor and City Council of Baltimore within Block 7702 and described as follows:

BEGINNING for the same at the beginning of the third line of Parcel No. 3 conveyed by Southwest Associates to the Mayor and City Council of Baltimore by deed dated October 30, 1975 and recorded among the

Land Records of Baltimore City in Liber R.H.B. No. 3287 folio 96, said point of beginning also being on the south-east outline of a portion of Interstate Route No. 95, as condemned and closed and running thence binding on part of the third line of Parcel No. 3 as described in said deed and on the southeast outline of said portion of Interstate Route No. 95, as condemned and closed, there situate, South 29°-01'-23" West 18.13 feet; thence for straight lines through the property now or formerly owned by the Mayor and City Council of Baltimore the two following courses and distances; namely, North 63°-14'-05" West 0.25 foot and South 85°-04'-05" West 66.06 feet to intersect the right of way line of through highway for Interstate Route No. 95; thence binding on the right of way line of through highway for Interstate Route No. 95 the two following courses and distances; namely, North 09°-39'-50" East 9.08 feet and North 10°-53'-40" West 11.27 feet; thence by other straight lines running parallel with and distant 20.00 feet northerly and northeasterly measured at right angles from the third and second lines of this description respectively, the two following courses and distances; namely, North 85°-04'-05" East 70.62 feet and South 63°-14'-05" East 6.73 feet to intersect the second line of Parcel No. 3 as described in said deed and thence binding on part of the second line of Parcel No. 3 as described in said deed and on the southeast outline of said portion of Interstate Route No. 95, as condemned and closed, to the end thereof, there situate, South 29°-37'-56" West 1.89 feet to the place of beginning and containing 1,418.17 square feet or 0.0326 acre of land, more or less.

All courses and distances in the above description are referred to the true meridian as adopted by the Baltimore Survey Control System.

Said properties no longer needed for public use.

SEC. 2. *Be it further ordained*, That no deed or deeds shall pass in accordance herewith until the same shall have been first approved by the City Solicitor.

SEC. 3. *And be it further ordained*, That this ordinance shall take effect from the date of its passage.

Approved July 14, 1981.

WILLIAM DONALD SCHAEFER, *Mayor*.

## No. 417

(Council No. 721)

## AN ORDINANCE concerning

INDUSTRIAL DEVELOPMENT REVENUE  
BONDS—(H & S BAKERY, INC. PROJECT)  
1981 SERIES

FOR the purpose of authorizing and empowering Mayor and City Council of Baltimore to issue and sell, at any time or from time to time and in one or more series, as limited obligations of the City and not upon its full faith and credit, its industrial development revenue bonds, in the aggregate principal amount not to exceed \$6,000,000, pursuant to the provisions of Sub-section (50) of Article II of the Charter of Baltimore City (1964 Revision), as amended, for the sole and exclusive purpose of financing the costs of the acquisition by H & S Bakery, Inc., a Maryland corporation, of a certain project in Baltimore City consisting of the construction of an addition to certain existing improvements located at 623-627 South Bond Street and 1606-1620 Aliceanna Street, Baltimore, Maryland 21231, and the purchase and installation of certain machinery and equipment therein, to be owned by H & S Bakery, Inc., for use as a manufacturing facility for the production of food stuffs consisting principally of bakery products; authorizing the Mayor of the City, on behalf of the City, to accept the letter of intent dated June 9, 1981 from H & S Bakery, Inc. to the City; making certain legislative findings; authorizing and empowering the Board of Finance of the City, by a resolution or resolutions adopted prior to the issuance, sale and delivery of any series of such bonds, to (a) prescribe, among other things but not limited to, the form, terms, provisions, manner or method of issuing and selling (including negotiated as well as competitive bid sale), and the time or times of issuance, and any and all other details of such bonds, and (b) do any and all things necessary, proper or expedient in connection with the issuance and sale of such bonds; providing that H & S Bakery, Inc. shall agree to submit any plans and specifications to, and to coordinate with,



the Department of Housing and Community Development in connection with the completion of such project; providing that such bonds (or bond anticipation notes issued in anticipation of the issuance of such bonds) must be issued and sold within six months from the date this Ordinance is approved by the Mayor, unless the Board of Finance approves one six month extension as provided in this Ordinance; authorizing the issuance of notes in anticipation of the issuance of such revenue bonds; and generally providing for and determining various matters and details in connection with the issuance and sale of such bonds and bond anticipation notes.

### RECITALS

Sub-section (50) of Article II of the Charter of Baltimore City (1964 Revision), as amended (the "Enabling Law"), empowers Mayor and City Council of Baltimore (the "City") to borrow money to finance undertakings for the accomplishment of any of the purposes, objects and powers of the City and in connection therewith to issue bonds, notes, or other obligations (including refunding bonds, notes or other obligations), all of which shall be fully negotiable, payable, as to both principal and interest, solely from and secured solely by a pledge of (I) the revenues from or arising in connection with the property, facilities, developments and improvements whose financing is undertaken by the issuance of such bonds, notes or other obligations, (II) the revenues from or arising in connection with any contracts, mortgages or other securities purchased or otherwise acquired with the proceeds of such bonds, notes or other obligations, (III) the contracts, mortgages or other securities purchased or otherwise acquired with the proceeds of such bonds, notes or other obligations, or (IV) any combination of (I), (II) or (III). The purposes, objects and powers of the City contemplated by the Enabling Law include the relief of conditions of unemployment in Baltimore City, encouraging the increase of industry and a balanced economy in Baltimore City, promoting economic development in Baltimore City, and promoting the health, welfare and safety of the residents of Baltimore City.

The City has received a letter of intent dated June 9, 1981 (the "Letter of Intent") from H & S Bakery, Inc., a Maryland corporation (the "Borrower"), pursuant to which the Borrower has requested the City to participate in the financing of the costs of the acquisition by the Borrower of a certain project in Baltimore City, Maryland (the "Project"), by issuing and selling the City's industrial development revenue bonds in the aggregate principal amount not to exceed \$6,000,000 (the "Bonds"), and by making the proceeds of the Bonds available to the Borrower to be used by the Borrower for the sole and exclusive purpose of financing the costs of the acquisition of the Project by the Borrower.

The Project, which is an "undertaking" which will accomplish the purposes, objects and powers of the City as mentioned in the Enabling Law, will consist generally of (a) the construction of a 23,000 square foot, one story, steel frame, masonry exterior addition to existing improvements located on land presently owned by the Borrower at 623-627 South Bond Street and 1606-1620 Aliceanna Street, Baltimore, Maryland 21231, (b) the acquisition and installation in such addition and improvements of any or all machinery and equipment as may be necessary or useful in connection with the operation thereof, and (c) the acquisition of such other interests in land as may be necessary or suitable for the foregoing, including roads and rights of access, utilities and other necessary site preparation facilities. Upon completion, the Project will be owned by the Borrower for use as a manufacturing facility for the production of food stuffs consisting principally of bakery products.

The Borrower presently intends to request the City to make application for an Urban Development Action Grant, the proceeds of which will be used to pay a portion of the costs of the acquisition of the Project.

The Enabling Law provides that the City may authorize and empower the Board of Finance of the City (the "Board") by resolution to determine and set forth the form, terms, provisions, manner or method of issuing and selling (including negotiated as well as competitive bid sale), and the time or times of issuance, and any

and all other details of the Bonds and the issuance and sale thereof, and to do any and all things necessary, proper or expedient in connection with the issuance and sale of the Bonds.

NOW THEREFORE, IN ACCORDANCE WITH THE ENABLING LAW:

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That acting pursuant to the Enabling Law, it is hereby found and determined as follows:

(1) The issuance and sale of the Bonds by the City pursuant to the Enabling Law in order to make the proceeds thereof available to the Borrower for the sole and exclusive purpose of financing the costs of acquisition of the Project will facilitate and expedite the acquisition of the Project by the Borrower.

(2) The acquisition of the Project by the Borrower and the financing of the costs of such acquisition as provided in this Ordinance will serve to promote the general purposes contemplated by the Enabling Law by (a) sustaining jobs and employment in Baltimore City; (b) promoting economic development in Baltimore City; and (c) encouraging the increase of industry and a balanced economy in Baltimore City.

(3) Any and all of the Bonds shall not be general obligations of the City and shall not be a pledge of or involve the faith and credit or the taxing power of the City, and shall not constitute a debt of the City, all within the meaning of Section 7 of Article XI of the Constitution of Maryland or within the meaning of any other constitutional, statutory or charter provision limiting or restricting the sale or issuance of bonds, notes or other obligations of the City. All of the Bonds shall be limited obligations of the City, and shall be fully negotiable, payable, as to both principal and interest, solely from and secured solely by a pledge of (I) the revenues from or arising in connection with the Project, (II) the revenues from or arising in connection with any contracts, mortgages or other securities purchased or otherwise acquired with the proceeds of the Bonds, (III) the contracts, mortgages or other



securities purchased or otherwise acquired with the proceeds of the Bonds, or (IV) any combination of (I), (II) or (III), all as the Board may approve by a resolution or resolutions adopted prior to the issuance, sale and delivery of any of the Bonds.

SEC. 2. *And be it further ordained*, That the City is hereby authorized and empowered to issue and sell, at any time or from time to time and in one or more series, as limited obligations of the City and not upon its full faith and credit, its industrial development revenue bonds, in the aggregate principal amount not to exceed \$6,000,000, subject to the provisions of this Ordinance. The proceeds of the Bonds will be made available to the Borrower under terms and conditions approved by the Board and set forth in a Resolution, and used by the Borrower for the sole and exclusive purpose of financing the costs of the acquisition of the Project.

SEC. 3. *And be it further ordained*, That this Ordinance constitutes the present intent of the City to issue the Bonds, and the Mayor of the City is hereby authorized to accept the Letter of Intent on behalf of the City in order to further evidence the present intent of the City to issue the Bonds in accordance with the terms and provisions of this Ordinance.

SEC. 4. *And be it further ordained*, That, as permitted by the Enabling Law, the Board is hereby authorized and empowered, by a resolution or resolutions adopted prior to the issuance, sale and delivery of any of the Bonds, to:

(a) prescribe, among other things but not limited to, the form, terms, provisions, manner or method of issuing and selling (including negotiated as well as competitive bid sale), and the time or times of issuance, and any and all other details of the Bonds and the issuance and sale thereof;

(b) approve (i) the pledge or assignment by the City of any of the security described in Section 5 of this Ordinance, pursuant to a trust agreement or similar agreement, (ii) the form of any such trust agreement or similar

agreement, as provided in the Enabling Law, and (iii) such provisions in any such trust agreement or similar agreement as the Board may deem reasonable and proper for the security of the holders of the Bonds;

(c) approve the terms and conditions, including but not limited to the terms and conditions of any documents to be executed and delivered by the City (other than customary financing statements and closing certificates), under which the proceeds of the Bonds will be made available to the Borrower to finance the costs of the acquisition of the Project; and

(d) do any and all things necessary, proper or expedient in connection with the issuance, sale and delivery of the Bonds.

SEC. 5. *And be it further ordained*, That any and all of the Bonds shall not be general obligations of the City and shall not be a pledge of or involve the faith and credit or the taxing power of the City, and shall not constitute a debt of the City, all within the meaning of Section 7 of Article XI of the Constitution of Maryland or any other constitutional, statutory or charter provision limiting or restricting the sale or issuance of bonds, notes or other obligations of the City. All of the Bonds shall be limited obligations of the City, and shall be fully negotiable, payable, as to both principal and interest, solely from and secured solely by a pledge of (I) the revenues from or arising in connection with the Project, (II) the revenues from or arising in connection with any contracts, mortgages or other securities purchased or otherwise acquired with the proceeds of the Bonds, (III) the contracts, mortgages or other securities purchased or otherwise acquired with the proceeds of the Bonds, or (IV) any combination of (I), (II) or (III), all as the Board may approve by a resolution or resolutions adopted prior to the issuance, sale and delivery of any of the Bonds.

SEC. 6. *And be it further ordained*, That the Borrower shall agree that:

(a) it will submit any plans and specifications for the Project to the Department of Housing and Community

Development for approval, and that the Department of Housing and Community Development may refuse approval of any plans and specifications for aesthetic or functional reasons; and

(b) it and its developers will work with the design advisory group appointed by the Department of Housing and Community Development in order to achieve high quality site, building, and landscape design.

SEC. 7. *And be it further ordained*, That any and all of the Bonds shall be executed in the name of the City and on its behalf by the Mayor of the City, by his manual or facsimile signature, and by the Director of Finance of the City, by his manual or facsimile signature, and the corporate seal of the City or a facsimile thereof shall be impressed or otherwise reproduced thereon and attested by the Custodian or Alternate Custodian of the City Seal, by his/her manual signature. Any trust agreement or other documents as the Board shall deem necessary to effectuate the issuance, sale and delivery of the Bonds shall be executed in the name of the City and on its behalf by the Mayor of the City by his manual or facsimile signature, and the corporate seal of the City or a facsimile thereof shall be impressed or otherwise reproduced thereon and attested by the Custodian or Alternate Custodian of the City Seal by his/her manual signature. In case any officer whose signature or a facsimile of whose signature shall appear on the Bonds or any of the aforesaid documents shall cease to be such officer before the delivery of the Bonds or any of the other aforesaid documents, such signatures or such facsimile shall nevertheless be valid and sufficient for all purposes, the same as if such officer had remained in office until delivery. The Mayor of the City, the Director of Finance of the City, the Custodian and the Alternate Custodian of the City Seal and other officials of the City are hereby authorized and empowered to do all such acts and things and execute such documents and certificates as the Board may determine by resolution to be necessary to carry out and comply with the provisions hereof.

SEC. 8. *And be it further ordained*, That any and all necessary financing statements required for the consum-



mation of the transactions authorized by this Ordinance may be executed on behalf of the City by the Mayor of the City or by the Chief, Bureau of Treasury Management of the City or by such other appropriate official of the City as may be designated by the Mayor of the City to execute such financing statements.

SEC. 9. *And be it further ordained*, That the authority to issue the Bonds is intended and shall be deemed to include the authority to issue bond anticipation notes pursuant to Section 12 of Article 31 of the Annotated Code of Maryland (1976 Replacement Volume and 1980 Cumulative Supplement), as amended (the "Bond Anticipation Note Enabling Legislation"). Reference in this Ordinance to the "Bonds" shall include such bond anticipation notes where appropriate. Prior to the issuance, sale and delivery of any series of bond anticipation notes, the Board shall adopt a resolution or resolutions, to:

(a) prescribe, among other things but not limited to, the form, terms, provisions, manner or method of issuing and selling (including negotiated as well as competitive bid sale), and the time or times of issuance, and any and all other details of such bond anticipation notes and the issuance and sale thereof;

(b) approve (i) the pledge or assignment by the City of any of the security described in Section 5 of this Ordinance, pursuant to a trust agreement or similar agreement, (ii) the form of any such trust agreement or similar agreement, as provided in the Enabling Law, and (iii) such provisions in any such trust agreement or similar agreement as the Board may deem reasonable and proper for the security of the holders of such bond anticipation notes;

(c) approve the terms and conditions, including but not limited to the terms and conditions of any documents to be executed and delivered by the City (other than customary financing statements and closing certificates), under which the proceeds of such bond anticipation notes will be made available to the Borrower to finance the costs of the acquisition of the Project; and

(d) do any and all things necessary, proper or ex-

pedient in connection with the issuance, sale and delivery of such bond anticipation notes.

In accordance with the Bond Anticipation Note Enabling Legislation, the City hereby covenants to pay any bond anticipation notes issued pursuant to this Section of this Ordinance and the interest thereon from the proceeds of the Bonds in anticipation of the sale of which such notes are issued, and the City hereby further covenants to issue such Bonds, as the case may be, when, and as soon as, the reason for deferring the issuance of the Bonds no longer exists. The timely issuance of such Bonds, however, is dependent upon matters not within the control of the City, including (without limitation) the existence of a purchaser or purchasers for such Bonds at the time the reason for deferring the issuance of the Bonds no longer exists and the effectiveness of various actions taken by the Borrower, its officers, agents and employees.

SEC. 10. *And be it further ordained*, That the provisions of this Ordinance are severable, and if any provision, sentence, clause, section or part hereof is held illegal, invalid or unconstitutional or inapplicable to any person or circumstances, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this Ordinance or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this Ordinance would have been passed if such illegal, invalid or unconstitutional provision, sentence, clause, section or part had not been included herein, and if the person or circumstances to which this Ordinance or any part hereof are inapplicable had been specifically exempted herefrom.

SEC. 11. *And be it further ordained*, That either the Bonds or bond anticipation notes issued pursuant to Section 9 of this Ordinance in anticipation of the issuance of the Bonds must be issued and sold within six months from the date on which this Ordinance is approved by the Mayor of the City; provided, however, that the Board, after a showing of good cause at a public hearing held before the Board prior to or after the expiration of such six month

period, may extend the period during which either the Bonds or such bond anticipation notes may be issued and sold for one additional term not to exceed six months from the date on which the first six month period expired. The Board, in its sole discretion, and without action by the City Council, shall determine the sufficiency, or lack thereof, of the reasons presented for any requested extension of the six month period. If an extension is granted, notice of such extension and the reasons therefor must be sent to the City Council. To the extent that neither the Bonds nor such bond anticipation notes are issued and sold within twelve months from the date on which this Ordinance is approved by the Mayor of the City, the authority provided in this Ordinance for the City to issue and sell the Bonds and such bond anticipation notes shall expire.

SEC. 12. *And be it further ordained*, That this Ordinance shall take effect from the date of its passage.

Approved July 14, 1981.

WILLIAM DONALD SCHAEFER, *Mayor*.

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No. 418

(Council No. 722)

AN ORDINANCE concerning

INDUSTRIAL DEVELOPMENT REVENUE  
BONDS—(FENCE ASSOCIATES PROJECT)

FOR the purpose of authorizing and empowering Mayor and City Council of Baltimore to issue and sell, at any time or from time to time and in one or more series, as limited obligations of the City and not upon its full faith and credit, its industrial development revenue bonds, in the aggregate principal amount not to exceed \$865,000, pursuant to the provisions of Sub-section (50) of Article II of the Charter of Baltimore City (1964 Revision), as amended, for the sole and exclusive purpose of financing the costs of the completion by Fence



Associates, a Maryland general partnership (the "Borrower"), of a certain project in Baltimore City consisting of the acquisition by the Borrower of certain real property located at 6500 Eastern Avenue in Baltimore City, the renovation of certain improvements thereon, and the purchase and installation of certain machinery and equipment therein, to be leased by the Borrower to Anchor Fence, Inc., a Maryland corporation (the "Lessee"), and used by the Lessee in connection with its business of manufacturing and selling fences, gates and related materials; authorizing the Mayor of the City, on behalf of the City, to accept the letter of intent dated June 3, 1981 from the Borrower and the Lessee to the City; making certain legislative findings; authorizing and empowering the Board of Finance of the City, by a resolution or resolutions adopted prior to the issuance, sale and delivery of any series of such bonds, to (a) prescribe, among other things but not limited to, the form, terms, provisions, manner or method of issuing and selling (including negotiated as well as competitive bid sale), and the time or times of issuance, and any and all other details of such bonds, and (b) do any and all things necessary, proper or expedient in connection with the issuance and sale of such bonds; providing that the Borrower shall agree to submit any plans and specifications to, and to coordinate with, the Department of Housing and Community Development in connection with the completion of such project; providing that such bonds must be issued and sold within six months from the date this Ordinance is approved by the Mayor, unless the Board of Finance approves one six month extension as provided in this Ordinance; and generally providing for and determining various matters and details in connection with the issuance and sale of such bonds.

### RECITALS

Sub-section (50) of Article II of the Charter of Baltimore City (1964 Revision), as amended (the "Enabling Law"), empowers Mayor and City Council of Baltimore (the "City") to borrow money to finance undertakings for the accomplishment of any of the

purposes, objects and powers of the City and in connection therewith to issue bonds, notes, or other obligations (including refunding bonds, notes or other obligations), all of which shall be fully negotiable, payable, as to both principal and interest, solely from and secured solely by a pledge of (I) the revenues from or arising in connection with the property, facilities, developments and improvements whose financing is undertaken by the issuance of such bonds, notes or other obligations, (II) the revenues from or arising in connection with any contracts, mortgages or other securities purchased or otherwise acquired with the proceeds of such bonds, notes or other obligations, (III) the contracts, mortgages or other securities purchased or otherwise acquired with the proceeds of such bonds, notes or other obligations, or (IV) any combination of (I), (II) or (III). The purposes, objects and powers of the City contemplated by the Enabling Law include the relief of conditions of unemployment in Baltimore City, encouraging the increase of industry and a balanced economy in Baltimore City, promoting economic development in Baltimore City, and promoting the health, welfare and safety of the residents of Baltimore City.

The City has received a letter of intent dated June 3, 1981 (the "Letter of Intent") from Fence Associates, a Maryland general partnership (the "Borrower") and Anchor Fence, Inc., a Maryland corporation (the "Lessee"), pursuant to which the Borrower and the Lessee have requested the City to participate in the financing of the costs of the completion by the Borrower of a certain project in Baltimore City, Maryland (the "Project"), by issuing and selling the City's industrial development revenue bonds in the aggregate principal amount not to exceed \$865,000 (the "Bonds"), and by making the proceeds of the Bonds available to the Borrower to be used by the Borrower for the sole and exclusive purpose of financing the costs of the completion of the Project by the Borrower.

The Project, which is an "undertaking" which will accomplish the purposes, objects and powers of the City as mentioned in the Enabling Law, will consist generally of (a) the acquisition by the Borrower of a

tract of land containing approximately 8 acres, located at 6500 Eastern Avenue in Baltimore City, (b) the renovation of a 100,000 square foot building located thereon, and (c) the acquisition and installation in such building of any or all machinery and equipment as may be necessary or useful in connection with the operation thereof. Upon completion, the Project will be leased by the Borrower to the Lessee and used by the Lessee in connection with its business of manufacturing and selling fences, gates and related materials.

The Enabling Law provides that the City may authorize and empower the Board of Finance of the City (the "Board") by resolution to determine and set forth the form, terms, provisions, manner or method of issuing and selling (including negotiated as well as competitive bid sale), and the time or times of issuance, and any and all other details of the Bonds and the issuance and sale thereof, and to do any and all things necessary, proper or expedient in connection with the issuance and sale of the Bonds.

**NOW THEREFORE, IN ACCORDANCE WITH THE ENABLING LAW:**

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That acting pursuant to the Enabling Law, it is hereby found and determined as follows:

(1) The issuance and sale of the Bonds by the City pursuant to the Enabling Law in order to make the proceeds thereof available to the Borrower for the sole and exclusive purpose of financing the costs of completion of the Project will facilitate and expedite the completion of the Project by the Borrower.

(2) The completion of the Project by the Borrower and the financing of the costs of such completion as provided in this Ordinance will serve to promote the general purposes contemplated by the Enabling Law by (a) sustaining jobs and employment in Baltimore City; (b) promoting economic development in Baltimore City; (c) encouraging the increase of industry and a balanced economy in Baltimore City; and (d) assisting in the retention of existing industry in Baltimore City.



(3) Any and all of the Bonds shall not be general obligations of the City and shall not be a pledge of or involve the faith and credit or the taxing power of the City, and shall not constitute a debt of the City, all within the meaning of Section 7 of Article XI of the Constitution of Maryland or within the meaning of any other constitutional, statutory or charter provision limiting or restricting the sale or issuance of bonds, notes or other obligations of the City. All of the Bonds shall be limited obligations of the City, and shall be fully negotiable, payable, as to both principal and interest, solely from and secured solely by a pledge of (I) the revenues from or arising in connection with the Project, (II) the revenues from or arising in connection with any contracts, mortgages or other securities purchased or otherwise acquired with the proceeds of the Bonds, (III) the contracts, mortgages or other securities purchased or otherwise acquired with the proceeds of the Bonds, or (IV) any combination of (I), (II) or (III), all as the Board may approve by a resolution or resolutions adopted prior to the issuance, sale and delivery of any of the Bonds.

SEC. 2. *And be it further ordained*, That the City is hereby authorized and empowered to issue and sell, at any time or from time to time and in one or more series, as limited obligations of the City and not upon its full faith and credit, its industrial development revenue bonds, in the aggregate principal amount not to exceed \$865,000, subject to the provisions of this Ordinance. The proceeds of the Bonds will be made available to the Borrower under terms and conditions approved by the Board and set forth in a Resolution, and used by the Borrower for the sole and exclusive purpose of financing the costs of the completion of the Project.

SEC. 3. *And be it further ordained*, That this Ordinance constitutes the present intent of the City to issue the Bonds, and the Mayor of the City is hereby authorized to accept the Letter of Intent on behalf of the City in order to further evidence the present intent of the City to issue the Bonds in accordance with the terms and provisions of this Ordinance.

SEC. 4. *And be it further ordained*, That, as permitted by the Enabling Law, the Board is hereby authorized and empowered, by a resolution or resolutions adopted prior to the issuance, sale and delivery of any of the Bonds, to:

(a) prescribe, among other things but not limited to, the form, terms, provisions, manner or method of issuing and selling (including negotiated as well as competitive bid sale), and the time or times of issuance, and any and all other details of the Bonds and the issuance and sale thereof;

(b) approve (i) the pledge or assignment by the City of any of the security described in Section 5 of this Ordinance, pursuant to a trust agreement or similar agreement, (ii) the form of any such trust agreement or similar agreement, as provided in the Enabling Law, and (iii) such provisions in any such trust agreement or similar agreement as the Board may deem reasonable and proper for the security of the holders of the Bonds;

(c) approve the terms and conditions, including but not limited to the terms and conditions of any documents to be executed and delivered by the City (other than customary financing statements and closing certificates), under which the proceeds of the Bonds will be made available to the Borrower to finance the costs of the completion of the Project; and

(d) do any and all things necessary, proper or expedient in connection with the issuance, sale and delivery of the Bonds.

SEC. 5. *And be it further ordained*, That any and all of the Bonds shall not be general obligations of the City and shall not be a pledge of or involve the faith and credit or the taxing power of the City, and shall not constitute a debt of the City, all within the meaning of Section 7 of Article XI of the Constitution of Maryland or any other constitutional, statutory or charter provision limiting or restricting the sale or issuance of bonds, notes or other obligations of the City. All of the Bonds shall be limited obligations of the City, and shall be fully negotiable, payable, as to both principal and interest, solely from and secured solely by a pledge of (I) the revenues from or

arising in connection with the Project, (II) the revenues from or arising in connection with any contracts, mortgages or other securities purchased or otherwise acquired with the proceeds of the Bonds, (III) the contracts, mortgages or other securities purchased or otherwise acquired with the proceeds of the Bonds, or (IV) any combination of (I), (II) or (III), all as the Board may approve by a resolution or resolutions adopted prior to the issuance, sale and delivery of any of the Bonds.

SEC. 6. *And be it further ordained*, That the Borrower shall agree that:

(a) it will submit any plans and specifications for the Project to the Department of Housing and Community Development for approval, and that the Department of Housing and Community Development may refuse approval of any plans and specifications for aesthetic or functional reasons; and

(b) it and its developers will work with the design advisory group appointed by the Department of Housing and Community Development in order to achieve high quality site, building, and landscape design.

SEC. 7. *And be it further ordained*, That any and all of the Bonds shall be executed in the name of the City and on its behalf by the Mayor of the City, by his manual or facsimile signature, and by the Director of Finance of the City, by his manual or facsimile signature, and the corporate seal of the City or a facsimile thereof shall be impressed or otherwise reproduced thereon and attested by the Alternate Custodian of the City Seal, by his or her manual signature. Any trust agreement or other documents as the Board shall deem necessary to effectuate the issuance, sale and delivery of the Bonds shall be executed in the name of the City and on its behalf by the Mayor of the City by his manual or facsimile signature, and the corporate seal of the City or a facsimile thereof shall be impressed or otherwise reproduced thereon and attested by the Alternate Custodian of the City Seal by his or her manual signature. In case any officer whose signature or a facsimile of whose signature shall appear on the Bonds or any of the aforesaid documents shall cease



to be such officer before the delivery of the Bonds or any of the other aforesaid documents, such signature or such facsimile shall nevertheless be valid and sufficient for all purposes, the same as if such officer had remained in office until delivery. The Mayor of the City, the Director of Finance of the City, the Alternate Custodian of the City Seal and other officials of the City are hereby authorized and empowered to do all such acts and things and execute such documents and certificates as the Board may determine by resolution to be necessary to carry out and comply with the provisions hereof.

SEC. 8. *And be it further ordained*, That any and all necessary financing statements required for the consummation of the transactions authorized by this Ordinance may be executed on behalf of the City by the Mayor of the City or by the Chief, Bureau of Treasury Management of the City or by such other appropriate official of the City as may be designated by the Mayor of the City to execute such financing statements.

SEC. 9. *And be it further ordained*, That the provisions of this Ordinance are severable, and if any provision, sentence, clause, section or part hereof is held illegal, invalid or unconstitutional or inapplicable to any person or circumstances, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this Ordinance or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this Ordinance would have been passed if such illegal, invalid or unconstitutional provision, sentence, clause, section or part had not been included herein, and if the person or circumstances to which this Ordinance or any part hereof are inapplicable had been specifically exempted herefrom.

SEC. 10. *And be it further ordained*, That the Bonds must be issued and sold within six months from the date on which this Ordinance is approved by the Mayor of the City; provided, however, that the Board, after a showing of good cause at a public hearing held before the Board prior to or after the expiration of such six month period,

may extend the period during which either the Bonds may be issued and sold for one additional term not to exceed six months from the date on which the first six month period expired. The Board, in its sole discretion, and without action by the City Council, shall determine the sufficiency, or lack thereof, of the reasons presented for any requested extension of the six month period. If an extension is granted, notice of such extension and the reasons therefor must be sent to the City Council. If the Bonds are not issued and sold within twelve months from the date on which this Ordinance is approved by the Mayor of the City, the authority provided in this Ordinance for the City to issue and sell the Bonds shall expire.

SEC. 11. *And be it further ordained*, That this Ordinance shall take effect from the date of its passage.

Approved July 14, 1981.

WILLIAM DONALD SCHAEFER, *Mayor*.

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No. 419

(Council No. 723)

AN ORDINANCE concerning

ISSUANCE OF INDUSTRIAL DEVELOPMENT  
REVENUE BONDS—McDONALD'S CORPORATION

FOR the purpose of amending Ordinance No. 174 approved by Mayor on October 31, 1980 for the purpose of amending the rate or rates of interest that the Baltimore City, Maryland Industrial Development Revenue Bonds (McDonald's Corporation Baltimore Project), Series B 1981, (the "Bonds") are to bear; and providing that Ordinance 174 is ratified and confirmed and shall continue in full force and effect except as provided herein.

#### RECITALS

By Ordinance No. 174, approved October 31, 1980 the Mayor and City Council of Baltimore (the "City") was

authorized and empowered to issue, sell and deliver pursuant to Sections 266A - 266-I of Article 41 of the Annotated Code of Maryland (1978 Replacement Volume and 1980 Cumulative Supplement), as amended, (the "Act") its industrial development revenue bonds, designated "Baltimore City, Maryland Industrial Development Revenue Bonds (McDonald's Corporation Baltimore Project), Series B 1981 (the "Bonds"). Ordinance No. 174 approved on October 31, 1980 provided that the rate of interest which the Bonds would bear would be 10.0% and the Bonds might be issued in one or more series. The Company and the City desire to amend Ordinance No. 174 to provide that the rate or rates of interest which the Bonds would bear shall be determined and prescribed by the Board of Finance; provided, however, that in no event would such rate or rates exceed 15% per annum during any period when the interest on the Bonds was not includable in gross income for federal income tax purposes, and that the Bonds may be issued in coupon or fully registered form in one or more series.

NOW THEREFORE, IN ACCORDANCE WITH THE ACT:

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That Section 2 of Ordinance No. 174, lines 17 to 30, inclusive, is hereby amended to read as follows:

"The Bonds authorized by this Ordinance may be issued *in coupon or fully registered form* in one or more series, and each such series shall be identified by a letter designation, so that the first series (if the issuance of more than one series of Bonds hereunder is then contemplated) shall be designated "Industrial Development Revenue Bonds (McDonald's Corporation Project), Series A." The Bonds may be further identified by the year of issue or such other appropriate designation as the Board of Finance may determine by resolution adopted prior to the delivery of the Bonds. The aggregate principal amount of the Bonds to be issued pursuant to this ordinance at any one time shall be determined by the Board of Finance by resolution adopted prior to the delivery of the Bonds."



SEC. 2. *And be it further ordained*, That Section 4 (Form of Bond) of Ordinance No. 174, lines 17 to 36, inclusive, is hereby amended to read as follows:

"FOR VALUE RECEIVED, MAYOR AND CITY COUNCIL OF BALTIMORE, a body politic and corporate and a political subdivision of the State of Maryland (the "Issuer"), hereby promises to pay (but only out of the sources hereinafter mentioned) to the bearer, or if this Bond be registered as to principal, to the registered owner hereof, on ..... unless this Bond shall have been called for redemption and payment of the redemption price shall have been duly made or provided for, upon surrender hereof, the principal sum of ..... Dollars (\$.....) and to pay (but only out of the sources hereinafter mentioned) interest hereon from the date hereof until payment of said principal sum has been made or provided for, at the rate of [10.0] .....% per annum on ..... and ..... of each year commencing ..... but only upon surrender of the interest coupons hereto attached as they mature and to pay interest on overdue principal and, to the extent permitted by law, interest at the rate per annum above specified. Principal and interest shall be paid"

SEC. 3. *And be it further ordained*, That Section 5, subparagraph (b) of Ordinance No. 174, lines 14 to 18, inclusive, is hereby amended to read as follows:

"(b) to determine the interest rate or rates to be paid by the City on the Bonds in accordance with the proposed underwriting agreement submitted by the underwriters for the Bonds [ , but only after the Company shall have given the City written approval of such rate or rates]; *provided, however, that in no event would such rate or rates exceed 15% per annum during any period when the interest on the Bonds was not includable in gross income for federal income tax purposes.*

SEC. 4. *And be it further ordained*, That in the event that any provision, sentence, clause, section or part hereof shall conflict or be inconsistent with any provision, sentence, clause, section or part of Ordinance 174, the provisions of this Ordinance shall be controlling. Except as otherwise

provided herein, the provisions of Ordinance 174 are hereby ratified and confirmed and shall continue in full force and effect.

SEC. 5. *And be it further ordained*, That this Ordinance shall take effect from the date of its passage.

Approved July 14, 1981.

WILLIAM DONALD SCHAEFER, *Mayor*.

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No. 420

(Council No. 730)

AN ORDINANCE concerning

ISSUANCE OF INDUSTRIAL DEVELOPMENT  
REVENUE BONDS—RONALD McDONALD  
HOUSE PROJECT

FOR the purpose of authorizing and providing for the issuance from time to time by the Mayor and City Council of Baltimore, Maryland, of its revenue bonds designated "Mayor and City Council of Baltimore, Maryland, Industrial Development Revenue Bonds (Ronald McDonald House Project)" in an aggregate principal amount not exceeding \$900,000, pursuant to the provisions of Sections 266A through 266-I, inclusive, of Article 41 of the Annotated Code of Maryland (1978 Replacement Volume and 1980 Cumulative Supplement, as amended) in order to loan the proceeds to Hematology Oncology Support Services of Greater Baltimore, Inc., a Maryland corporation and an industrial concern, for the sole and exclusive purpose of financing the acquisition by such corporation of a certain industrial building in Baltimore City to be operated as a temporary residence facility, all as provided in this Ordinance; authorizing the issuance of notes in anticipation of the issuance of such revenue bonds pursuant to the provisions of Section 12 of Article 31 of the Annotated Code of Maryland (1976 Replacement Volume and 1980 Cumulative Supplement, as

amended); making certain legislative findings, among others, concerning the public benefit and purpose of the revenue bonds; providing that such revenue bonds (a) shall be payable solely and only from revenue derived by the City in connection with the financing of the industrial building, including (without limitation) loan repayments (both principal and interest) made to the City by such corporation and (b) shall not ever constitute, within the meaning of any constitutional provision, statutory limitation or otherwise (i) an indebtedness of the Mayor and City Council of Baltimore (the "City") or any other political subdivision or (ii) a charge against the general credit or taxing powers of the City; providing that this Ordinance shall evidence the present intent of the City to issue the revenue bonds so authorized; authorizing the Mayor to accept, on behalf of the City, the Letter of Intent of the City from Hematology Oncology Support Services of Greater Baltimore, Inc.; authorizing the private (negotiated) sale of such revenue bonds; providing that the Board of Finance of the City shall determine administratively by resolution at or prior to the sale of any series of the revenue bonds certain matters pertaining to such revenue bonds, including (without limitation) amounts and dates of any series of the revenue bonds, the time of payment of principal of and the interest on the revenue bonds, the form and tenor of the revenue bonds, the appointment of a trustee or trustees for the benefit of the holders of the revenue bonds to receive moneys in connection with such revenue bonds and any other matters deemed appropriate by the Board of Finance; authorizing the Mayor or Acting Mayor to execute and deliver various documents necessary to effectuate the aforementioned borrowing, including (a) a loan agreement evidencing the aforesaid loan, (b) any assignment or trust agreement pursuant to which the City transfers or assigns, without recourse, certain of its rights, revenues and remedies as security for the revenue bonds, and (c) any contracts, agreements, trust or other instruments which the City may deem appropriate to effectuate the financing of the industrial building; providing that the City Council may determine administratively, by resolution, at or prior to



the sale certain matters pertaining to such revenue bonds, including (without limitation) amounts and dates of any series of the revenue bonds, the time of payment of principal of and the interest on the revenue bonds, the form and tenor of the revenue bonds, the appointment of a trustee or trustees for the benefit of the holders of the revenue bonds to receive moneys in connection with such revenue bonds and any other matters deemed appropriate by the City Council; and generally providing for and determining various matters in connection with the authorization, issuance, security, sale and payment of such revenue bonds and related bond anticipation notes.

### RECITALS

Sections 266A through 266-I, inclusive, of Article 41 of the Annotated Code of Maryland (1978 Replacement Volume and 1980 Cumulative Supplement, as amended) (the "Act") constitute those provisions of Maryland law authorizing the issuance of industrial revenue bonds by the counties and municipalities of the State of Maryland (the "State").

The Act empowers each of the counties and municipalities of the State (including the Mayor and City Council of Baltimore) to issue revenue bonds and to loan the proceeds of the sale of such revenue bonds to an industrial concern to finance the acquisition by that industrial concern of an industrial building or buildings as defined in the Act. The Act declares it to be the legislative purpose to relieve conditions of unemployment in the State, to encourage the increase of industry and a balanced economy in the State, to assist in the retention of existing industry in the State, to promote economic development, to protect natural resources, and in this manner to promote the health, welfare and safety of the residents of each of the counties and municipalities of the State.

This Ordinance authorizes a transaction which Hematology Oncology Support Services of Greater Baltimore, Inc., a Maryland corporation (the "Corporation") proposed to the Mayor and City Council of Baltimore, Mary-

land (the "City") by a letter of intent that the Corporation has submitted in accordance with Section 266B(d) of the Act (the "Letter of Intent").

The City has determined to issue and sell its industrial development revenue bonds, in the aggregate principal amount not exceeding \$900,000, designated "Mayor and City Council of Baltimore, Maryland, Industrial Development Revenue Bonds (Ronald McDonald House Project)" (the "Bonds") and to loan the proceeds of the sale of the Bonds to the Corporation on the terms and conditions to be set forth in a loan agreement to be executed pursuant to this Ordinance (the "Loan Agreement"). The proceeds of the sale of the Bonds will be used to finance (i) the acquisition and construction on land located in Baltimore City, Maryland of a temporary residence facility containing approximately 15,000 square feet; (ii) the acquisition of certain equipment and machinery that is necessary or useful in connection with the operation of facilities of the Corporation or the facilities of any other person located therein; and (iii) the acquisition of such interests in land as may be necessary or desirable for the building, together with roads, other rights of access, utilities and other necessary facilities (collectively the "Industrial Building").

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore, Maryland,* That pursuant to the Act, it is hereby found and determined as follows:

(a) The issuance of revenue bonds by the City pursuant to the Act in order to loan the proceeds to the Corporation for the sole purpose of financing the acquisition of the Industrial Building within the meaning of the Act will facilitate and expedite the acquisition of the Industrial Building by the Corporation.

(b) The Industrial Building is to be acquired by the Corporation as evidenced by the Letter of Intent. The Industrial Building constitutes an "industrial building" within the meaning of the Act; the Corporation is an "industrial concern" (as mentioned in Section 266A(h) of the Act) and a "bona fide tenant" or "bona fide purchaser" (as mentioned in Section 266B(d) as affected by Sections

266H-1 and 266A(h) of the Act); and the Letter of Intent is a "letter of intent" within the meaning of Section 266B(d) of the Act.

(c) The accomplishment of the transactions contemplated and authorized by this Ordinance, including (without limitation) the acquisition of the Industrial Building by the Corporation and the financing thereof, will (i) retain existing industry in Baltimore City; (ii) encourage the increase of industry and a balanced economy in Baltimore City; (iii) promote economic development; and (iv) promote the health, welfare and safety of the residents of the State and of the City of Baltimore. The Industrial Building will promote these purposes, in part, by providing support services for major hospitals in the City, reducing congestion, assisting in the medical care of ill persons, and providing necessary temporary residential facilities for families of persons receiving medical care in the City.

(d) The loan form of transaction avoids indirect costs and burdens on the City by not requiring any direct involvement by the City in the construction, ownership or administration of such facilities; however, it permits controls to be imposed on the use of the proceeds of the Bonds to insure that the public purposes of the Act and the Bonds are fully accomplished. It is, therefore, in the best interests of the citizens of the City to finance the Industrial Building by a loan to the Corporation. This Ordinance contemplates and authorizes a transaction in the form of a loan of the proceeds of the Bonds by the City to the Corporation (the "Loan"), rather than a transaction in the form of a lease or sale. Accordingly, this Ordinance contains, and the Loan Agreement hereby authorized will contain, such provisions as the City deems appropriate to effect the financing of the Industrial Building by the loan form of transaction.

(e) Neither the Bonds, nor any bond anticipation notes, nor interest thereon, issued under the authority of the Act shall ever constitute an indebtedness of the City or a charge against the general credit or taxing powers of the City within the meaning of any constitutional provision or provision of the City Charter or statutory limitation nor shall ever constitute or give rise to any pecuniary liability of the City. The Bonds and interest thereon shall be limited



obligations of the City, and the principal of and interest on the Bonds shall be payable from, and secured solely and only by a pledge of, the receipts and revenues of the City derived by the City in connection with the financing of the Industrial Building, including (without limitation) loan repayments (both principal and interest) made to the City by the Corporation. Accordingly, this Ordinance definitely fixes and determines the entire amount of such receipts and revenues of the City from the Loan (except for certain rights of the City to indemnification and to payments in respect of administrative expenses of the City) to be the amount of income and revenue derived from payments on the Loan which is necessary to be set apart and applied to the payment of the principal of, the interest on and the redemption premium (if any) on the Bonds. The principal amount of the Loan and the payments to be made by the Corporation pursuant to the Loan Agreement shall be paid directly to, and shall be distributed by a trustee or trustees for the benefit of the holders of the Bonds (the "Trustee"); no such moneys shall be commingled with the funds of the City or be subject to the absolute control of the City but only to such limited supervision and checks as are deemed necessary or desirable to insure that the proceeds of the Bonds are used to accomplish the public purposes of the Act and this Ordinance.

(f) The City will acquire no interest in the Industrial Building other than any lien or security interest granted pursuant to the Loan Agreement or any assignment of lease or sale agreement, mortgage, deed of trust or security agreement, as security for the Bonds or the Loan. All such interests in the Industrial Building and all security interests granted pursuant to the Loan Agreement in any other property will be assigned or otherwise transferred by means of an assignment or trust agreement to the holder(s) of the Bonds or, if appropriate, a trustee or trustees for the benefit of the holders of the Bonds. The security for the Bonds shall be solely and exclusively (i) the pledge of receipts and revenues of the City from the Loan and (ii) the assignment or transfer, without recourse (the "Assignment") to the holder(s) of the Bonds or to such trustee or trustees, of the City's interest (except for certain rights of the City to indemnification and to payments

in respect of administrative expenses of the City, including any enforcement remedies available to the City with respect thereto) in (A) the absolute, irrevocable and unconditional obligation of the Corporation to make the payments required by the Loan Agreement, (B) any other contract, agreement, trust or other instrument which the City may deem appropriate to effect the financing of the Industrial Building, including (without limitation) any assignment of lease or sale agreement, mortgage, deed of trust or security agreement covering or relating to the Industrial Building or any portion thereof or any other property as security for the Loan, or (C) any guaranty agreement by which any person, firm, partnership or corporation guarantees the repayment of the principal of, the interest on and the redemption premium (if any) on the Bonds or the Loan.

(g) No part or proportion of the receipts and revenues of the City from the Loan shall be set aside as a depreciation account (mentioned in the Act) since such a depreciation account would (i) be inconsistent with the loan form of transaction authorized hereby and (ii) place an unreasonable burden on the Corporation so as to affect adversely the feasibility of the transactions and thus frustrate the legislative purposes of the Act. A covenant such as that permitted by Section 266G(c) of the Act would be similarly inconsistent with the loan form of transaction authorized hereby in the event that holders of the Bonds do not obtain or retain any security interest in the Industrial Building. Such a covenant is, therefore, a procedure which does not appear to be contemplated by the Act in connection with this transaction.

SEC. 2. *And be it further ordained*, That this Ordinance is intended to be, and shall constitute, evidence of the present intent of the City to issue and deliver the Bonds authorized hereby in accordance with the terms hereof. The Mayor or the Acting Mayor is hereby authorized, empowered, and directed to accept the Letter of Intent on behalf of the City in order further to evidence the commitment of the City to issue, sell, and deliver the Bonds in accordance with the terms and provisions of this Ordinance. The City can give no guaranty, promise or assur-

ance as to the availability of ready, willing and able purchasers of the Bonds or as to the availability of one or more purchasers of the Bonds to whom the Bonds may lawfully be sold under, among others, applicable federal and state securities and legal investment laws. The City and the Corporation contemplate that the Corporation may commence the acquisition of the Industrial Building prior to the issuance and delivery of the Bonds authorized hereby upon the enactment of this Ordinance by the City, provided, however, that if the Bonds are not issued and sold within six months from the date on which this ordinance is approved by the Mayor or Acting Mayor of the City, the authorization provided in this ordinance for the City to issue and sell the Bonds shall expire; provided however, that the Board of Finance of the City may, after a showing of good cause at a public hearing held before the Board of Finance, extend such authorization for one additional term not to exceed six months. The Board of Finance, in its sole discretion, shall determine the sufficiency, or lack thereof, of the reasons presented for any requested extension of this ordinance. If an extension is granted, notice of such extension and the reasons therefor shall be sent to the City Council.

SEC. 3. *And be it further ordained*, That the Mayor and City Council of Baltimore, Maryland hereby authorize the issuance, sale and delivery of not exceeding \$900,000 aggregate principal amount of Mayor and City Council of Baltimore, Maryland, Industrial Development Revenue Bonds (Ronald McDonald House Project) and the loan of the proceeds of sale of the Bonds to the Corporation in order to finance the acquisition of the Industrial Building. The amount of the Bonds shall be \$900,000 unless established at such lesser amount as the City Council may approve by resolution. The Bonds shall be dated as of the first day of the month during which they are sold, and shall mature ten (10) years from their date. The Bonds shall be issued in registered form in the denomination of \$1,000 or any integral multiple thereof.

The Bonds shall bear interest until paid at the annual rate of ten and one-half percent (10½%) commencing from the date of the Bonds, or if approved by the Board



of Finance and the Mayor, from the date of issuance of the Bonds. Interest shall be payable monthly. Amortization payments will be based on a twenty (20) year schedule with a level monthly payment of principal and interest.

The Bonds shall be executed on behalf of the City by the manual or facsimile signature of the Mayor or Acting Mayor and the manual or facsimile signature of the Director of Finance or the Deputy Director of Finance, and the corporate seal of the City shall be impressed or imprinted on the Bonds and be attested by the Custodian or Alternate Custodian of the City Seal.

The Bonds shall be subject to redemption at any time if (a) the Corporation becomes obligated to cause the Bonds to be redeemed as provided in the Loan Agreement upon an Event of Taxability (hereinafter defined), (b) if the Corporation exercises its option to cause redemption of the Bonds, (c) if the bondholders determine to cause redemption of the Bonds as provided in the Loan Agreement, upon receipt of insurance proceeds following a casualty to the Industrial Building or condemnation proceeds from the Industrial Building (or proceeds from the sale of the Industrial Building under the threat of condemnation), unless otherwise approved by the bondholders, or (d) from proceeds of the Bonds not used in connection with the acquisition of the Industrial Building.

If called for redemption as a result of any such event, the Bonds shall be subject to redemption by the City at any time as a whole at a redemption price of 100% of the principal amount thereof plus accrued interest to the redemption date.

“Event of Taxability” means (i) the issuance by the Internal Revenue Service of a statutory notice of deficiency which asserts in effect that the interest on the Bonds is includible in the gross income of a holder or former holder thereof, other than for a period during which such holder or former holder is or was a “substantial user” of the Industrial Building (defined herein) or a “related person” as such terms are defined in the Internal Revenue Code of 1954, as amended, and regulations thereunder (the “Code”), or (ii) the delivery to the Bondholders, the Cor-

poration and the City of a written opinion of nationally recognized bond counsel, satisfactory to the holders of at least  $66\frac{2}{3}\%$  in aggregate principal amount of the Bonds at the time outstanding, to the effect that such interest is so includible.

SEC. 4. *And be it further ordained*, That the City Council hereby recognizes the function of the Mayor and the Board of Finance in making the executive and administrative determinations necessary for the issuance of bonds of the City. This Ordinance, therefore, provides that the Board of Finance may make administrative determinations in connection with the issuance and sale of the Bonds, such determinations to be effective only after approval by the Mayor or Acting Mayor. The provisions of this Ordinance contemplate that prior to the sale of the Bonds certain matters as set forth in this Ordinance in connection with the authorization, issuance, security, sale and payment of the Bonds will, if necessary, be determined administratively by resolution or resolutions of the City Council. If and to the extent that the City Council has not adopted a resolution or resolutions determining such matters prior to the date on which a bond purchase agreement is submitted by any purchasers of the Bonds, all such matters, or any of them, may be determined by resolution or resolutions of the Board of Finance, which resolution or resolutions of the Board of Finance shall be of an administrative nature and shall be effective upon approval by the Mayor or Acting Mayor of the City. Prior to the date of submission of such a bond purchase agreement the City Council may, by administrative resolution or other appropriate action, make any or all determinations which are authorized to be made by the Board of Finance pursuant to this Ordinance, in which event, all such determinations made by the City Council shall be effective without further action by, and be binding on, the Board of Finance.

SEC. 5. *And be it further ordained*, That, (a) the authority to issue the Bonds is intended and shall be deemed to include the authority to issue bond anticipation notes pursuant to Section 12 of Article 31 of the Annotated Code of Maryland (1976 Replacement Volume) (the "Bond Anticipation Note Enabling Legislation"). Reference in

this Resolution to the "Bonds" shall include such bond anticipation notes where appropriate. Prior to the issuance, sale and delivery of any series of bond anticipation notes, the Mayor and City Council shall adopt a resolution or resolutions which shall prescribe the maturity or maturities, interest rate or rates or the method to determine such rate or rates, and other terms of such bond anticipation notes and the price or prices at which such notes will be sold. Such bond anticipation notes shall be sold by private negotiation by the City with a prospective purchaser or purchasers, as authorized by Section 12 of the Bond Anticipation Note Enabling Legislation, unless, upon request of the Corporation, such resolution or resolutions provides that such bond anticipation notes shall be sold at public sale.

(b) Any resolution or resolutions adopted pursuant to this Section 5 of this Ordinance shall be deemed to be of an administrative nature and shall be effective upon approval by the Mayor or Acting Mayor.

(c) In accordance with the Bond Anticipation Note Enabling Legislation, the City hereby covenants to pay any bond anticipation notes issued pursuant to this Section 5 of this Ordinance and the interest thereon from the proceeds of the Bonds in anticipation of the sale of which such notes are issued, and the City hereby further covenants to issue such Bonds when, and as soon as, the reason for deferring the issuance of the Bonds no longer exists. The timely issuance of such Bonds, however, is dependent upon matters not within the control of the City, including (without limitation) the existence of a purchaser or purchasers for such Bonds at the time the reason for deferring the issuance of the Bonds no longer exists and the effectiveness of various actions taken by the Corporation, its officers, agents and employees.

SEC. 6. *And be it further ordained*, That it is hereby found and determined that the best interests of the City will be served by selling the Bonds at private (negotiated) sale as authorized by the Act, upon the terms and conditions determined by the City Council as hereinafter authorized.



SEC. 7. *And be it further ordained*, That, (a) authority is hereby conferred upon the Board of Finance to make the following determinations by administrative resolution:

(i) the terms and provisions of the Loan Agreement by and between the City and the Corporation pursuant to which the City will lend the proceeds of the Bonds to the Corporation for the purpose of financing the acquisition by the Corporation of the Industrial Building.

(ii) if appropriate, the general form and basic terms and provisions of the lease agreement to be executed by the Corporation and any tenants in the Industrial Building pursuant to which the Corporation will lease the Industrial Building to such tenants;

(iii) the terms and provisions of the assignment or trust agreement by which the City assigns or transfers, without recourse, to the holder(s) of the Bonds, or, if appropriate, a trustee or trustees for the benefit of the holders of the Bonds, all of its right, title, and interest in (A) the Loan Agreement and moneys due and to become due to the City thereunder and the collateral pledged thereunder, and (B) any assignment of lease or sale agreement, mortgage, deed of trust, security agreement or any contract, agreement, trust or other instrument (including, without limitation, any guaranty agreement) executed and delivered in connection with the loan of the proceeds of the Bonds, such assignment or trust agreement to provide that the assignee or trustee or trustees shall enforce each and every right, power or remedy granted to the City pursuant to the Loan Agreement and any assignment of lease or sale agreement, mortgage, deed of trust, security agreement or any contract, agreement or instrument (including, without limitation, any guaranty agreement) executed and delivered in connection with the Loan and that nothing in the Loan Agreement, the aforesaid instruments, or the assignment or trust agreement, shall obligate the City to act or refrain from acting under such instruments, it being understood that the holder of the Bonds shall look solely to any such trustee or trustees pursuant to the assignment or trust agreement for enforcement of its rights and remedies under the Loan Agreement, such instruments, and the Bonds;

(iv) the terms and provisions of any assignment of lease or sale agreement, mortgage, deed of trust or security agreement executed by the Corporation covering or relating to the Industrial Building or any portion thereof or any other property as security for the Bonds or the loan of the proceeds thereof;

(v) the terms and provisions of any contract, agreement, trust or other instrument (including, without limitation, any guaranty agreement) which the Board of Finance deems appropriate in connection with the issuance, sale and delivery of the Bonds, the making of the loan of the proceeds thereof and the acquisition of the Industrial Building.

(vi) provisions for the amendment or modification of the Loan Agreement, any assignment, any trust agreement, any guaranty agreement, any assignment of lease or sale agreement, deed of trust, mortgage or other security agreement executed in connection with the Loan, any other agreement or document executed in connection with the Bonds, and any resolution or other action of the Board of Finance pertaining to the Bonds or the loan of the proceeds thereof; and

(vii) such other matters in connection with the authorization, issuance, security, sale and payment of the Bonds, the making of the loan of the proceeds thereof and the acquisition of the Industrial Building as may be deemed appropriate by the Board of Finance.

(b) authority is hereby conferred upon the Board of Finance to take the following actions and to make the following commitments on behalf of the City:

(i) to consent to the use by representatives of the Corporation, any investment bankers or other firms acting as underwriters or placement agents or otherwise in regard to the sale of the Bonds, of an offering memorandum or other official informational document, if necessary, in connection with any private placement of the Bonds; provided, however, that any such preliminary document shall be clearly marked to indicate that it is subject to completion and amendment;

(ii) to determine the date, time and place when a purchase agreement or proposal shall be submitted for the Bonds, such agreement or proposal to specify the interest rate or rates proposed to be paid on the Bonds, the price at which such Bonds are to be sold to such underwriters or other purchasers, and such other matters as the underwriters or other purchasers and the Board of Finance may deem necessary or desirable in order to effect the sale and delivery of the Bonds;

(iii) to determine the price at which the Bonds are to be sold but only after the Corporation has given written approval of that price;

(iv) to appoint a bank having trust powers, or a trust company, as trustee for the Bonds to be issued pursuant to this Ordinance, to appoint a similarly qualified bank or trust company as co-paying agent with such trustee, and to appoint such trustee as the bond registrar for the Bonds;

(v) to do all acts and things and execute or cause to be executed such supporting documents and certificates as may be necessary to carry out and comply with the provisions hereof; and

(vi) to adopt one or more resolutions which shall prescribe for the Bonds (A) the date or dates of issue of the Bonds, (B) the form and tenor of the Bonds, and (C) the establishment and funding (from Bond proceeds or other services) of reserves for the payment of principal and interest on the Bonds, including (without limitation) debt service reserves and capitalized interest funds, and of such other reserves as the Board of Finance may deem necessary or desirable. Prior to the delivery of the Bonds, the Board of Finance may also adopt a resolution or resolutions which may prescribe any additional terms necessary or appropriate to reflect any matters provided by any such resolution, and such other matters as may be deemed appropriate by the Board of Finance.

Any resolution or resolutions adopted pursuant to this Section 7 of this Ordinance shall be deemed to be administrative in nature and shall be effective upon acceptance by the Mayor or Acting Mayor.



The Mayor or Acting Mayor is hereby authorized to approve such changes in the form of the aforementioned documents determined by resolution of the Board of Finance as may be necessary or desirable to carry out the purposes of this Ordinance, such approval to be conclusively evidenced by the execution and delivery of such documents or by the execution of a certificate certifying that the Mayor or Acting Mayor has approved the final form of such documents.

SEC. 8. *And be it further ordained*, That authority is hereby conferred on the Mayor or Acting Mayor of the City to take the following actions and to make the following commitments on behalf of the City:

(a) to execute and deliver a Loan Agreement by and between the City and the Corporation setting forth the terms of the Bonds consistent with, and subject to, the provisions of this Ordinance;

(b) to execute and deliver, as a binding and enforceable obligation of the City, any purchase agreement for the Bonds by and between the City and the purchasers of the Bonds consistent with, and subject to, the provisions of this Ordinance and the Act and to accomplish any and all actions necessary or deemed appropriate by the City officials to issue and deliver the Bonds to such purchasers in accordance with the provisions of this Ordinance and the purchase agreement;

(c) to execute and deliver an assignment or trust agreement by which the City assigns or transfers, without recourse, certain of its right, title and interest in and to, and remedies under or with respect to, certain agreements or property to the holder(s) of the Bonds or a trustee or trustees for the benefit of the holders of the Bonds; and

(d) to execute and deliver any assignment of lease, mortgage, deed of trust or security or any contract, agreement, trust or other instrument consistent with, and subject to, the provisions of this Ordinance, and all other documents necessary to evidence and secure any issue or series of the Bonds or the loan of the proceeds thereof.

SEC. 9. *And be it further ordained*, That simultaneously with the issuance and sale of the Bonds, the City will, pursuant to the terms of the Loan Agreement between the City and Corporation and documents executed in connection therewith and to the terms of the Act, lend the proceeds of the Bonds to the Corporation to be applied to the acquisition of the Industrial Building. The proceeds of the Bonds shall be immediately advanced directly to a trustee or trustees appointed for the benefit of the holders of the Bonds, and in order to insure that such proceeds will be used for the purposes set forth in the Act, such payments will be advanced to the Corporation by such trustee or trustees only upon such conditions as may be provided in the Loan Agreement and documents executed in connection therewith.

SEC. 10. *And be it further ordained*, That the Corporation shall agree that:

(a) It will submit any plans and specifications for the acquisition of the Industrial Building to the Department of Housing and Community Development for approval, with the understanding that, in addition to the economic feasibility of the acquisition of the Industrial Building, the Department of Housing and Community Development may consider, without limitation, the suitability of any site plan, architectural treatment, building plans, elevations, materials, color, construction details, access, parking, loading, landscaping, identification signs, exterior lighting, refuse collection details, streets, sidewalks, and harmony between the plans and the surroundings of the proposed Industrial Building and that the Department of Housing and Community Development may refuse approval of any such plans and specifications for aesthetic or functional reasons; and

(b) It and its developers will work with the design advisory group appointed by the Department of Housing and Community Development in order to achieve high quality site, building, and landscape design.

SEC. 11. *And be it further ordained*, That the term "Board of Finance" as used in this Ordinance includes any board, agency, or department of the City created and

existing under the Charter of the City and designated by such Charter to perform the functions and duties that were performed by the Board of Finance at the time of introduction of this Ordinance.

SEC. 12. *And be it further ordained*, That the provisions of this Ordinance are severable, and if any provision, sentence, clause, section or part thereof is held illegal, invalid or unconstitutional or inapplicable to any person or circumstances, such illegality, invalidity, unconstitutionality or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this Ordinance would have been enacted if such illegal, invalid or unconstitutional provision, sentence, clause, section or part had not been included herein, and if the person or circumstances to which this Ordinance or any part thereof is inapplicable had been specifically exempted therefrom, provided, however, notwithstanding anything contained in this Section of this Ordinance, neither the full faith and credit of the City, nor the taxing power of the City shall be deemed pledged hereby, and the City shall not hereby incur any indebtedness or charge against the general credit or taxing powers of the City, within the meaning of any constitutional provision or statutory limitation, and the transactions authorized hereby shall not give rise to any pecuniary liability of the City.

SEC. 13. *And be it further ordained*, That subject to the provisions of this Ordinance and any ordinance of the City Council or resolution of the City Council or of the Board of Finance supplemental hereto adopted in accordance with this Ordinance, the registered Bonds and the certificate of authentication to be executed thereon by the Trustee shall be in substantially the forms set forth in this Section, with such appropriate omissions, insertions, substitutions and other variations as are permitted or required by this Ordinance.

The definitive Bonds shall be typewritten and the text of any Bond may be set forth on more than one sheet of



paper. Each of the Bonds may incorporate by appropriate reference any schedule attached to the Bond.

No. R1981- .... REGISTERED \$.....

UNITED STATES OF AMERICA  
STATE OF MARYLAND  
MAYOR AND CITY COUNCIL OF BALTIMORE  
INDUSTRIAL DEVELOPMENT REVENUE BOND  
(RONALD McDONALD HOUSE PROJECT)

PAYMENT OF THE PRINCIPAL OF AND INTEREST ON THIS BOND ARE REQUIRED TO BE MADE DIRECTLY TO THE REGISTERED HOLDER HEREOF WITHOUT NOTATION HEREON. IT CANNOT BE DETERMINED FROM THE FACE OF THIS BOND WHETHER ALL OR ANY PART OF THE PRINCIPAL OF OR INTEREST ON THIS BOND HAS BEEN PAID.

MAYOR AND CITY COUNCIL OF BALTIMORE (the "City"), a political subdivision and a body corporate and politic created and existing under the Constitution and laws of the State of Maryland, for value received, hereby promises to pay (but only out of the "Revenues of the City from the Loan" as herein defined) to ..... or registered assigns or legal representative, by ....., (or earlier as herein referred to), the sum of ..... Dollars (\$ .....), payable at the times and in the manner set forth in Schedule A attached hereto as a part hereof, and to pay (but only out of the "Revenues of the City from the Loan" as herein defined) interest on the unpaid principal amount hereof from ....., 1981, on the first days of ..... and ....., commencing ....., 1981, until such principal amount shall be paid in full.

This bond shall bear interest at the annual rate of ten and one-half percent (10½%) provided, however, that upon the occurrence of an Event of Taxability (herein defined) with respect to this bond, then this bond shall bear interest for the Inclusion Period (herein defined) on a floating basis at the rate equal to the Prime Rate (herein defined) on the first Business Day (herein defined) of each month plus one percent (1%) per annum (the "Taxable

Rate”) and the interest payments (whether theretofore made or thereafter payable) shall be increased accordingly without any interest or penalty on account of any delay in any retroactive interest payment which is paid within ten (10) days of the delivery of written notice of the Event of Taxability to the Borrower (herein defined) by the Trustee (herein defined). Such interest shall be computed on the basis of a 360-day year factor applied to the actual number of days elapsed until payment; and if the due date for any payment of principal is extended by operation of law or otherwise, such interest shall be paid for such extended time.

“Prime Rate” means a rate equal to (i) the rate per annum announced from time to time by The First National Bank of Maryland, a national banking association, as its prime lending rate for domestic commercial loans or, (ii) in the event that The First National Bank of Maryland does not announce such rate, the rate per annum announced from time to time by Citibank, N.A., as its prime lending rate for domestic commercial loans, or, (iii) in the event that neither The First National Bank of Maryland nor Citibank, N.A., New York, New York, announces such prime lending rate, the commercial prime rate which is substantially equivalent to the rates set forth in items (i) and (ii) of this definition and which is agreed to by the Borrower, the Bondholders, and the City; provided, however, that if such substitute prime rate cannot be determined by the parties, then such determination shall be submitted to the American Association of Arbitration (“AAA”), at the Borrower’s expense, and the Prime Rate shall be such rate as the AAA determines.

“Event of Taxability” means (i) the issuance by the Internal Revenue Service of a statutory notice of deficiency which asserts in effect that the interest on the Bonds is includible in the gross income of a holder or former holder thereof, other than for a period during which such holder or former holder is or was a “substantial user” of the Industrial Building (defined herein) or a “related person” as such terms are defined in the Internal Revenue Code of 1954, as amended, and regulations thereunder (the “Code”), or (ii) the delivery to the Bondholders, the Borrower and the City of a written opinion

of nationally recognized bond counsel, satisfactory to the holders of at least  $66\frac{2}{3}\%$  in aggregate principal amount of the Bonds at the time outstanding, to the effect that such interest is so includible. The Borrower, has covenanted promptly to notify each holder of Bonds in writing of the existence of an Event of Taxability.

“Inclusion Period”, with respect to any Bond, means the period beginning on the Taxable Date with respect to such Bond and ending on the date of payment in full of such Bond.

“Taxable Date” means, with respect to each holder or former holder of a Bond, the earliest date as to which interest on such Bond is determined to be includible in the gross income of such holder or former holder of such Bond (other than any holder who is a “substantial user” of the Industrial Building, or a “related person” as such terms are defined in the Code), according to either an opinion of counsel or a notice as described in the definition of “Event of Taxability”.

Whenever any payment to be made under this bond shall be stated to be due on a day which is a Saturday, Sunday or a day on which banking institutions under the laws governing the Trustee are authorized or obligated by law or required by executive order to remain closed (any other day being a “Business Day”), such payment may be made on the next succeeding Business Day.

In the event that the City shall fail to make any of the payments of the principal of or the interest on this bond when due and payable, the payment in default shall continue as an obligation of the City until the amount in default shall have been fully paid, and the City will pay the same with interest thereon at the rate of interest (including the Taxable Rate) borne by this bond until paid in full. Each payment on this bond shall be applied first to the payment of accrued and unpaid interest and the balance to the payment of principal.

Any payment of principal or of interest on this Bond which shall remain unpaid for a period of five days shall bear additional interest at the rate equal to the Taxable Rate from the date on which payment was due until such



payment in default is paid in full. In addition, a late charge equal to five percent (5%) of the amount of the payment of principal or interest in default shall be paid.

This bond is one of a duly authorized issue of revenue bonds of the City, not to exceed \$900,000 in aggregate principal amount, designated as "Mayor and City Council of Baltimore, Industrial Development Revenue Bonds (Ronald McDonald House Project)" (the "Bonds"), and issued pursuant to the provisions of Sections 266A through 266-I of Article 41 of the Annotated Code of Maryland (1978 Replacement Volume and 1980 Cumulative Supplement, as amended) and under and pursuant to Ordinance No. . . . . of the Mayor and City Council of Baltimore, passed by the City Council on . . . . ., 1981 and approved by the Mayor on . . . . ., 1981 (the "Ordinance"), and a resolution of the Board of Finance of the City adopted on . . . . ., 1981 (the "Resolution"). The Bonds are issued for the purpose of financing a portion of the cost of acquisition or construction by Hematology Oncology Support Services of Greater Baltimore, Inc., a Maryland corporation, (the "Borrower"), of an industrial building in the City of Baltimore to be operated as a temporary residence facility and related facilities to be located in the City of Baltimore (the "Industrial Building") and which is described in the Loan Agreement (defined herein). The development of the Industrial Building will be accomplished by the loan of the proceeds of the Bonds to the Borrower (the "Loan") in order to enable the Borrower to acquire and construct the Industrial Building.

Pursuant to a Loan Agreement between the City and the Borrower, payments sufficient for the prompt payment when due of the principal of (and premium, if any) and interest on the Bonds are to be paid by the Borrower to the Trustee for the account of the City and deposited in a special fund created by the City for that purpose.

In order to secure the Bonds and the Loan, the Borrower has executed a Deed of Trust dated as of . . . . ., 1981 with certain individual trustees covering the Industrial Building (the "Deed of Trust").

As additional security for the Bonds, the Borrower has assigned to the Trustee all of its right, title and interest

in and to any leases and rents with respect to the rental of space in the Industrial Building pursuant to the Assignment of Leases and Rents dated as of . . . . ., 1981 (the "Assignment of Leases"), between the Borrower and the Trustee.

The City has assigned its right, title and interest in, to and under the Loan Agreement, the Deed of Trust, and the Assignment of Leases to the Trustee for the benefit of the holders of the Bonds.

The Bonds are equally and ratably secured, to the extent provided in the Ordinance and the Resolution, by the pledge thereunder of the "Revenues of the City from the Loan", which includes (i) all amounts payable by the Borrower under the Loan Agreement or the Deed of Trust, (ii) all moneys realized from the collateral subject to the Deed of Trust or the Assignment of Leases and moneys realized from any guaranty of, or other agreements related to, the loan repayments, (iii) all income resulting from the investment of moneys held in the funds and accounts established by the Resolution; but Revenues of the City from the Loan shall not include payments to the City for indemnification or reimbursement of administrative expenses or for taxes or other charges generally levied by the City.

The Bonds may be redeemed prior to maturity as follows:

(a) On or after the date hereof, as a whole at any time or in part on any interest payment date in principal amounts of \$1,000 or integral multiples thereof, in inverse order of installments of principal, at a price of par plus accrued interest thereon to the date named for redemption;

(b) As a whole or in part on any interest payment date, in inverse order of installments of principal, at a price of par plus accrued interest thereon to the date named for redemption, from funds deposited in the Bond Fund from (i) proceeds from the condemnation of the Mortgaged Property (defined in the Resolution) in whole or in part or from agreements with, or action by, a public authority in the nature of, or in lieu of, condemnation proceedings and (ii) proceeds from insurance and re-

lated payments received in connection with the loss, damage or destruction of the Mortgaged Property or any portion thereof if such proceeds mentioned in (i) and (ii) are not used to repair or reconstruct the damaged or destroyed property pursuant to the terms of the Deed of Trust;

(c) As a whole or in part at any time by the application of moneys transferred from the Construction Fund (created by the Resolution) to the Bond Fund, at a price of par plus accrued interest thereon to the date named for redemption; and

(d) As a whole or in part at any time at the option of the holders of at least  $66\frac{2}{3}\%$  in aggregate principal amount of the Bonds at the time outstanding, upon the occurrence of an Event of Taxability, at a price of par plus accrued interest thereon at the taxable rate to the date named for redemption.

Any such redemption under subparagraphs (a), (b), (c) or (d) above, either in whole or in part, shall be made upon at least thirty (30) days prior notice by mailing or otherwise as provided in the Resolution, and shall be made in the manner and under the terms and conditions provided in the Resolution. On the date designated for redemption, notice having been given, if applicable, and moneys for payment of the principal of and the accrued interest on the Bonds being held by the Trustee, all as provided in the Resolution, the Bonds or portions of Bonds so called for redemption shall become and be due and payable at the principal amount thereof on such date, interest on such Bonds or such portions thereof so called for redemption shall cease to accrue, such Bonds or such portions thereof so called for redemption shall cease to be entitled to any benefit or security under the Resolution, and the registered owners thereof shall have no rights in respect of such Bonds or such portions thereof so called for redemption except to receive payment of the principal thereof and the accrued interest thereon so held by the Trustee, and except for any obligation to pay additional interest as provided in the Resolution. If a portion of this bond shall be called for redemption, a new Bond or Bonds in the principal amount equal to the un-



redeemed portion hereof will be issued to the registered owner upon the surrender hereof.

AS MORE FULLY PROVIDED IN THE ORDINANCE AND THE RESOLUTION, THE BONDS DO NOT CONSTITUTE AN INDEBTEDNESS OR OBLIGATION TO WHICH THE FAITH AND CREDIT OF THE CITY ARE PLEDGED BUT ARE LIMITED OBLIGATIONS OF THE CITY, WHICH IS OBLIGATED TO PAY THE PRINCIPAL OF, THE INTEREST ON AND THE REDEMPTION PREMIUM (IF ANY) ON THE BONDS ONLY OUT OF THE REVENUES OF THE CITY FROM THE LOAN. THE BONDS MAY ALSO BE PAID OUT OF ANY OTHER MONEYS MADE AVAILABLE TO THE CITY OR THE TRUSTEE FOR THE PAYMENT THEREOF. BY THE TERMS OF THE ENABLING LAW, THE PRINCIPAL OF, THE INTEREST ON AND THE REDEMPTION PREMIUM (IF ANY) ON THIS BOND, DO NOT, AND SHALL NOT EVER, CONSTITUTE AN INDEBTEDNESS OR A PLEDGE OF OR CHARGE AGAINST THE FAITH AND CREDIT OR TAXING POWERS OF THE CITY OR ANY OTHER POLITICAL SUBDIVISION WITHIN THE MEANING OF ANY CONSTITUTIONAL OR CHARTER PROVISION OR STATUTORY LIMITATION AND SHALL NOT CONSTITUTE OR GIVE RISE TO ANY PECUNIARY LIABILITY OF THE CITY.

Reference is hereby made to the Ordinance and the Resolution for a full and complete statement of the provisions, among others, with respect to the custody and application of the proceeds of the Bonds, the collection and disposition of the Revenues of the City from the Loan as pledged security for the payment of the Bonds (and premium, if any) and the interest thereon, the nature and extent of the security and the rights of the holders of the Bonds, the terms and conditions on which, and the purposes for which, the Bonds are issued and the rights, duties and obligations of the City and the Trustee thereunder, to all of which the registered owner hereof, by acceptance of this bond, assents. Certified copies of the Ordinance and the Resolution are on file at the principal office of the Trustee in the City of Baltimore, Maryland.

To the extent permitted by and as provided in the Ordinance and the Resolution, amendments to the Resolution, the Loan Agreement and the Deed of Trust, and modifications of the rights and obligations of the City and of the registered owners of the Bonds in any particular, may be made by the enactment of supplemental resolutions, but any amendment or modification may be made only with the consent of the registered owners of not less than  $66\frac{2}{3}\%$  in aggregate principal amount of the Bonds then outstanding under the Resolution. The Resolution also contains provisions permitting the holders of specified percentages in aggregate principal amount of the Bonds at the time Outstanding (defined in the Resolution), on behalf of the holders of all of the Bonds, by written consent to waive compliance by the City with certain provisions of the Resolution and certain past defaults under the Resolution and their consequences. Any such consent or waiver by the registered owner of this bond shall be conclusive and binding upon such owner and all future owners of this bond and of any bond issued upon transfer hereof or in exchange herefor or in lieu hereof, whether or not any notation of such consent is made upon this bond.

The registered owner of this bond shall have no right to enforce the provisions of the Resolution, or to institute action to enforce the covenants therein, or to take any action with respect to any default under the Resolution, or to institute, appear in or defend any suit or other proceedings with respect thereto, except as provided in the Resolution.

This bond shall be registered on the Bond Register of the City to be kept for that purpose at the office of the Director of Finance of the City. Such registration shall be noted hereon, and this bond shall be transferable only upon the Bond Register upon surrender of this bond for transfer at the corporate trust office of the Trustee by the registered owner or by its duly authorized officer or attorney duly endorsed by, or accompanied by a written instrument of transfer in form satisfactory to the City and the Trustee duly executed by, the registered owner hereof or his attorney duly authorized in writing, and thereupon one or more new registered bonds without cou-

pons for the same aggregate principal amount will be issued to the designated transferee or transferees. Such transfers shall be without charge to the registered owner hereof, but any taxes or other governmental charges required to be paid with respect to the same shall be paid by the registered owner requesting such transfer as a condition precedent to the exercise of such privilege.

The City and the Trustee may deem and treat the person in whose name this bond is registered as the absolute owner hereof for all purposes; neither the City nor the Trustee shall be affected by any notice to the contrary.

All acts, conditions and things required by the Constitution and statutes of the State of Maryland, the Ordinance and the Resolution to exist, to have happened and to have been performed precedent to and in the issuance of this bond, do exist, have happened and have been performed.

No covenant or agreement contained in this bond or the Ordinance or the Resolution shall be deemed to be a covenant or agreement of any officer, agent or employee of the City in his or her individual capacity, and neither the Mayor nor any other official executing this bond shall be liable personally on this bond or be subject to any personal liability or accountability by reason of the issuance of this bond.

This bond shall not be entitled to any benefit under the Ordinance or the Resolution, or be valid or become obligatory for any purpose, until this bond shall have been authenticated by the manual signature of one of the authorized officers of the Trustee on the Certificate of Authentication inscribed hereon.

IN WITNESS WHEREOF, MAYOR AND CITY COUNCIL OF BALTIMORE has caused this bond to be executed by the manual signature of its Mayor and Director of Finance and has caused its corporate seal to be affixed hereto and attested by the manual signature of the Custodian or Alternate Custodian of the City Seal, all as of the ..... day of ....., 1981.





| <i>Date of<br/>Principal Payment</i> | <i>Amount of<br/>Principal Payment</i> | <i>Notation of<br/>Amount Paid</i> |
|--------------------------------------|----------------------------------------|------------------------------------|
| .....                                | \$.....                                | .....                              |
| .....                                | .....                                  | .....                              |
| .....                                | .....                                  | .....                              |
| .....                                | .....                                  | .....                              |
| .....                                | .....                                  | .....                              |

SEC. 14. *And be it further ordained*, That this Ordinance shall take effect from the date of its passage.

Approved July 14, 1981.

WILLIAM DONALD SCHAEFER, *Mayor*.

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No. 421

(Council No. 362)

AN ORDINANCE concerning

STALLS NEAR MARKETS

FOR the purpose of permitting CERTAIN stalls within two blocks of a market.

BY ~~repealing~~ AMENDING

Article 16—Markets

Section 2(q)

Baltimore City Code (1976 Edition, as amended)

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That Section 2(q) of Article 16 of the Baltimore City Code (1976 Edition, as amended), title "Markets", subtitle "Stall Spaces" be and it is hereby ~~repealed~~ AMENDED.

2. Licenses.

§(q) Minor Privileges. No permit shall be issued for minor privilege stalls or stands within two blocks of the

limits of the several markets, as herein defined, except for outdoor table service when accessory to a restaurant use.] AND EXCEPT FOR A PROPERTY OWNER WHO HAS OPERATED A BUSINESS IN THE SAME BLOCK SINCE 1931, WHEN ACCESSORY TO THE BUSINESS CONDUCTED AT THAT LOCATION.

SEC. 2. *And be it further ordained*, That this ordinance shall take effect thirty days from the date of its passage.

Approved July 17, 1981.

WILLIAM DONALD SCHAEFER, *Mayor*.

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No. 422

(Council No. 609)

AN ORDINANCE concerning

ZONING—PLANNED UNIT DEVELOPMENT  
MELROSE AVENUE

FOR the purpose of approving the application of Cakorp, Inc. to amend the Residential Planned Development approved by Ordinance 924, approved December 13, 1978, known generally as the Lakewood Planned Development; and to approve the amended Development Plan submitted by the applicant.

BY authority

Sections 12.0-1 & 12.0-2

Article 30—Zoning

Baltimore City Code (1976 Edition, as amended)

WHEREAS, By Ordinance 924, approved December 13, 1978, the application of Lakewood Associates to have 3.28 acres (Parcel A) at 107 E. Lake Avenue and 1.98 adjacent acres (Parcel B) on Melrose Avenue designated a Residential Planned Development in accordance with Sections 12.0-1 and 12.0-2 of Article 30 of the Baltimore City Code (1976 Edition, as amended); and the Development Plan submitted by Lakewood Associates were approved; and



WHEREAS, Part of the property which was the subject of Ordinance 924, that is a 1.987 acre segment of the land designated "Parcel B" on the Development Plan was to be held for future development; and

WHEREAS, Cakorp, Inc. is now the owner of this 1.987 acre segment that was designated "Parcel B" in Ord. 924; and

WHEREAS, Cakorp, Inc. wishes to amend the Development Plan approved by Ordinance 924 as it relates to the 1.987 acre segment of land designated "Parcel B" only; and

WHEREAS, On April 24, 1981, representatives of Cakorp, Inc. met with the Director of Planning, the designated officer of the Baltimore City Planning Commission to hold a pre-petition conference to explain the scope and nature of the proposed amendment to the Development Plan; and

WHEREAS, The Development Plan amendment submitted reflects:

A. Compliance with the City Council conditions of approval of Ordinance 924; and

B. Attention to present market conditions by amending the Plan to permit construction of detached single family homes which will be part of a new subdivision known as Homeland Mews; and

WHEREAS, The representatives of Cakorp, Inc. hereby make formal application to the Baltimore City Council and submit requisite amended development plans to include those requirements specified in Sections 12.0-1 and 12.0-2 of Article 30 of the Baltimore City Code (1976 Edition, as amended); now, therefore

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That the amended Development Plan submitted by Cakorp, Inc. attached hereto and made a part hereof, to amend the Development Plan approved by Ordinance 924, approved December 13, 1978, be and it is hereby approved.

SEC. 2. *And be it further ordained*, That landscaping plans, the design of any covered parking, and the owner's

proposals for the articulation of the exterior building design shall be subject to review and approval of the Planning Commission.

SEC. 3. *And be it further ordained*, That upon passage of this ordinance by the City Council, as evidence of the authenticity of the development plans which are a part hereof and in order to give notice to the departments which are administering the Zoning Ordinance, the President of the City Council shall sign the development plans and when the Mayor approves the ordinance, he shall sign the development plans. The Director of Finance shall then transmit a copy of the ordinance to the Board of Municipal and Zoning Appeals, the Planning Commission and the Zoning Administration.

SEC. 4. *And be it further ordained*, That this ordinance shall take effect thirty days from the date of its passage.

Approved July 27, 1981.

WILLIAM DONALD SCHAEFER, *Mayor*.

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No. 423

(Council No. 528)

AN ORDINANCE concerning

MUSICAL INSTRUMENT SALE AND REPAIR

FOR the purpose of allowing, on a conditional basis, the sale and repair of musical instruments in B-1 Neighborhood Business Districts.

BY adding to

Article 30—Zoning

Chapter 6—Business

Section 6.1-1c-4a

Baltimore City Code (1976 Edition, as amended)

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That new Section 6.1-1c-4a be and it is hereby

added to Article 30 of the Baltimore City Code (1976 Edition, as amended), title "Zoning", chapter title "Business", to read as follows:

c. Conditional Uses. The following uses as conditional uses, subject to the requirements and provisions of Section 11.0-3c of this ordinance:

*4a. Musical instrument sale and repair.*

SEC. 2. *And be it further ordained*, That this ordinance shall take effect thirty days from the date of its passage.

Approved July 30, 1981.

WILLIAM DONALD SCHAEFER, *Mayor*.

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No. 424

(Council No. 350)

AN ORDINANCE concerning

ZONING CODE

FOR the purpose of providing that there shall be no time limit for a discontinued non-conforming use in a R-6 District, and providing that these uses shall be reviewed by the Board every 36 months.

BY amending

Article 30—Zoning Code

Sections—8.0-4f, 8.0-6g and 8.0-7b-5

Baltimore City Code (1976 Edition, as amended)

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That Sections 8.0-4f, 8.0-6g and 8.0-7b-5 of Article 30 of the Baltimore City Code (1976 Edition, as amended), title "Zoning Code", subtitle "Non-Conformance", be and they are hereby repealed and reordained with amendments to read as follows:

8.0-4. Non-conforming uses of structures (CLASS 3)



f. Discontinuance and Abandonment. Whenever any Class 3 non-conforming use, or any part thereof, has been discontinued for a period of 12 consecutive months, such discontinued non-conforming use, or part thereof, shall not thereafter be re-established, and any subsequent use of that land, structure, or part thereof, shall conform to the regulations of the district in which the land or structure is located. Such discontinuance of the active and continuous operation of such non-conforming use, or any part thereof, for such period of 12 months shall constitute an abandonment of such non-conforming use, or part thereof, respectively, regardless of any reservation of an intent not to abandon same or of an intent to resume active operations. If, within a period of less than 12 months, actual abandonment in fact is evidenced by removal of structures, machinery, or equipment, or by alterations indicating a change in the use of the land, structure, or part thereof, the abandonment shall be completed at the time of such event and all rights to re-establish or continue such non-conforming use, or part thereof, shall terminate as of that time.

Notwithstanding this provision, however, the Board is hereby authorized to extend the time limit for discontinuance for an additional period or periods in accordance with the authority and procedures established in Section 8.0-7 of this chapter, but in no case shall the total duration of such additional period or periods exceed 12 months.

The provisions of this section concerning discontinuance and abandonment do not apply to Class 3 non-conforming uses in the R-6, R-7, R-8, R-9, and R-10 Districts which the Board may authorize a change to a new use at any time.

#### 8.0-6. Non-conforming status of certain uses.

g. Class 3 non-conforming uses authorized by the Board in R-6, R-7, R-8, R-9, and R-10 Districts shall be reviewed by the Board 36 months after authorization and every 36 months thereafter.

#### 8.0-7. The exercise of authority by the Board.

b. Changes, alterations, and extensions to non-conforming uses and structures, and continuance of non-complying

dwelling units in non-complying structures, shall be in accordance with the guides, standards, and limitations established in this chapter, and may be granted by the Board only in the following instances, and in no others:

5. to authorize a period or periods for the extension of the time limit to the specified discontinuance period of a Class 2 or a Class 3 non-conforming use; but, in no case, shall the total duration of such additional period or periods exceed the time limitations stated in Sections 8.0-3f and 8.0-4f of this chapter, provided that, except for Class 3 non-conforming uses in R-6, R-7, R-8, R-9, and R-10 Districts, written application shall have been duly made by the property owner prior to the lapsing of such specified discontinuance period or within six months thereafter; and further, provided that the Board shall find in each case that:

(a) actual abandonment of the non-conforming use has not in fact taken place; and

(b) discontinuance of the use has been beyond the control of the owner; and

(c) the owner has made all reasonable efforts to rent, lease, sell, or continue the use of the property; and

(d) the literal ~~endorsement~~ **ENFORCEMENT** of such time limit would result in exceptional and practical difficulties upon the owner or lessee of such property, which difficulties are not created by or result from any action or lack of action by any person or corporation having an interest in the property, or the result of disregard for or ignorance of the provisions of this section.

In considering such time limit extension to the discontinuance period, the Board shall give due regard to the age and condition of the structure and the practicability of its adaption or conversion to a conforming use. Any relief granted shall be only that reasonably required to effect substantial justice, shall not be granted on an arbitrary or discriminatory basis, and shall be granted with due consideration for its effect on the value, utilization, enjoyment, and ultimate development of neighborhood properties.

SEC. 2. *And be it further ordained*, That this ordinance shall take effect from the date of its passage.

Approved August 13, 1981.

WILLIAM DONALD SCHAEFER, *Mayor*.

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No. 425

(Council No. 448)

AN ORDINANCE concerning

IMPOUNDMENT OF VEHICLES  
BLOCKING DRIVEWAYS

~~FOR the purpose of authorizing the Commissioner of Transit and Traffic to tow away and impound vehicles parked so as to block the entrance to a driveway, private way or garage.~~

FOR THE PURPOSE OF AUTHORIZING, FOR A FEE, THE POSTING OF SIGNS DESIGNATING A TOW AWAY ZONE AT A DRIVEWAY ENTRANCE AND AUTHORIZING THE POLICE COMMISSIONER AS WELL AS THE DIRECTOR OF PUBLIC WORKS TO TOW AWAY VEHICLES PARKED IN VIOLATION OF SUCH SIGNS.

BY ADDING TO

ARTICLE 31—TRANSIT AND TRAFFIC

SUBTITLE—DRIVEWAYS

SECTION—31A

BALTIMORE CITY CODE (1976 EDITION, AS AMENDED)

BY repealing and reordaining with amendments

Article 31—Transit and Traffic

Subtitle—Clear Streets

Section 88 95

Baltimore City Code (1976 Edition, as amended)



BY adding to

Article 31—Transit and Traffic

Subtitle—Impounding Areas

Section ~~128A~~ 128C

Baltimore City Code (1976 Edition, as amended)

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That Article 31 of the Baltimore City Code (1976 Edition, as amended) be added to, repealed, or amended, to read as follows:

### 88. Impounding Vehicles.

It shall be unlawful for any person to permit a vehicle or part thereof to be parked or stopped on any street during the hours when such parking or stopping is restricted or prohibited thereon. A violation of this provision shall be deemed a misdemeanor punishable by the fine now provided by law for such violation.

In impounding areas otherwise designated in this Article the Commissioner is authorized to cause such vehicles to be removed, provided that conspicuous signs are clearly posted on such streets warning the public of the restricted hours and bearing the statement "Cars Towed Away" or "Tow Away Zone", said signs to be placed by the Department of Transit and Traffic. *The posting of "Cars Towed Away" or "Tow Away Zone" signs, however, is not an essential prerequisite when vehicles are removed under the authority of Section 128A of this Article, provided, however, that when vehicles are removed under the authority of Section 128A of this Article, the procedures specified in Section 96 of this Article shall be adhered to.*

In areas where parking is prohibited and impounding is authorized, violation of such impounding law shall be deemed a misdemeanor punishable by a fine of \$10.00.

In areas where stopping or standing is prohibited and impounding is authorized, violation of such impounding law shall be deemed a misdemeanor punishable by a fine of \$25.00.

### *128A. Driveways, Private Ways, Garages.*

*Vehicles parked or stopped in the entrance to a driveway, private way or garage in such a way that another*

*vehicle attempting to enter the driveway, private way or garage would be prevented from doing so. Violation of this Section occurs whether or not a vehicle has actually been prevented from entering the driveway, private way or garage.*

## ARTICLE 31—TRANSIT AND TRAFFIC DRIVEWAYS

### 31A. POSTING FOR IMPOUNDING.

UPON THE WRITTEN REQUEST OF THE OWNER OR OCCUPANT AND PROVIDED THAT THE OWNER OR OCCUPANT PAYS THE COMPLETE COST OF INSPECTION, FABRICATION AND ERECTION, THE COMMISSIONER OF TRANSIT AND TRAFFIC WILL ERECT SIGNS READING "NO STOPPING ANY TIME—CARS TOWED AWAY" ON EITHER SIDE OF THE ENTRANCE TO A PRIVATE WAY, DRIVEWAY OR SERVICE DRIVE. ~~GARAGE.~~ ALL SUCH SIGNS SHALL BE AND REMAIN THE PROPERTY OF THE CITY OF BALTIMORE.

## CLEAR STREETS

### 95. EMPLOYMENT OF TOW TRUCKS.

IN CARRYING OUT THE PROVISIONS OF THIS SUBTITLE WITH RESPECT TO VEHICLES ABANDONED, PARKED, STOPPED OR LEFT UNATTENDED IN VIOLATION OF LAW AND/OR OBSTRUCTING TRAFFIC, THE COMMISSIONER SHALL NOTIFY THE DIRECTOR TO CAUSE SUCH VEHICLE TO BE REMOVED.

HOWEVER, WITH RESPECT TO CARS STOLEN, DISABLED BY ACCIDENT OR OTHERWISE, OR PARKED SO AS TO BLOCK THE ENTRANCE TO A DRIVEWAY IN AN IMPOUNDMENT ZONE, EXCEPT IN EMERGENCY SITUATIONS, THE COMMISSIONER SHALL EMPLOY ONE OR MORE LICENSED TOWERS OR TOWING COMPANIES TO PROCEED AT ONCE TO THE SCENE AND TRANSPORT SUCH VEHICLE TO THE SAID AUTO POUND. DISABLED VEHICLES, HOWEVER, MAY BE TOWED TO A PLACE DESIG-

NATED BY THE OWNER OR HIS AGENT, FOR THE PURPOSES OF THIS SECTION, EMERGENCY SITUATIONS ARE DEEMED TO MEAN POLICE SECURITY, CIVIL DISASTER OR OTHERWISE. THE COMMISSIONER MAY PROMULGATE AND ADOPT RULES TO IMPLEMENT THE ENFORCEMENT HEREOF, SUCH RULES TO BE PUBLISHED. WHEN A PRIVATE TOWER IS USED, SAID COMMISSIONER SHALL PREPARE A VEHICLE REPORT FOR THE VEHICLE AND HAVE IT VERIFIED AND SIGNED BY SUCH TOWER ON FORMS PROVIDED BY THE COMMISSIONER, CONTAINING A BRIEF DESCRIPTION OF THE VEHICLE, INCLUDING ANY DISTINGUISHING MARKS OR ACCESSORIES AND A LISTING OF ANY PERSONAL PROPERTY FOUND, SHOWING REMOVAL AND CUSTODY OF SAME FOR SUCH VEHICLE, AND ALSO SHOWING THE TOWING CHARGES FOR REMOVING SAID VEHICLE TO THE AUTO POUND.

SUCH TOWER SHALL BE SELECTED BY THE COMMISSIONER FROM A LIST PREVIOUSLY PREPARED BY HIM. IN SELECTING A TOWER FOR A PARTICULAR TRANSACTION PREFERENCE SHALL BE GIVEN TO ONE AS CLOSE AS POSSIBLE TO THE LOCATION OF THE VEHICLE. THE TOWING CHARGES SHALL BE SET IN ADVANCE, ARRIVED AT BY AGREEMENT BETWEEN THE TOWERS, THE COMMISSIONER AND THE DIRECTOR, WITH ANY DISPUTES AS TO SUCH CHARGES TO BE SETTLED BY THE COMMISSIONER.

IN THE EVENT TOWING IS PERFORMED BY CITY FORCES OR VEHICLES AND NO EMPLOYMENT OF TOWERS BECOMES NECESSARY, THE SAME SCHEDULE OF CHARGES SHALL APPLY. SUCH TOWING CHARGES WILL BE ADDED TO THE COST OF STORAGE AS HEREINAFTER SPECIFIED, AND MADE A LIEN UPON SUCH VEHICLE.

#### IMPOUNDING AREAS

128C. *DRIVEWAYS, SERVICE DRIVES, PRIVATE WAYS, ~~GARAGES~~*



*WITHIN ANY ZONE MARKED AS TOW AWAY, PURSUANT TO SECTION 31A OF THIS ARTICLE, SO AS TO OBSTRUCT OR IMPEDE, EGRESS OR INGRESS TO OR FROM A DRIVEWAY, SERVICE DRIVE, OR PRIVATE WAY. OR GARAGE VIOLATION OF THIS SECTION OCCURS WHETHER OR NOT A VEHICLE HAS ACTUALLY BEEN PREVENTED FROM ENTERING OR LEAVING THE DRIVEWAY, SERVICE DRIVE, OR PRIVATE WAY. OR GARAGE.*

SEC. 2. *And be it further ordained,* That this ordinance shall take effect ~~thirty days~~ from the date of passage.

Approved August 8, 1981.

WILLIAM DONALD SCHAEFER, *Mayor.*

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No. 426

(Council No. 221)

AN ORDINANCE concerning

CITY MARKETS

FOR the purpose of providing for leases and a leasing procedure for stall spaces, ~~requiring uniformity of rents, providing for market fees to cover the cost of certain expenses and providing for a complaint procedure for market merchants.~~ AND PERMITTING CERTAIN STALLS WITHIN TWO BLOCKS OF A MARKET.

BY amending

Article 16—Markets

Sections 2, 3, 6, AND 7(c) ~~and 17~~

Baltimore City Code (1976 Edition, as amended)

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore,* That Sections 2, 3, 6, AND 7(c) ~~and 17~~ of the Baltimore City Code (1976 Edition, as amended) be added, repealed or amended to read as follows:

## Article 16—Markets

2. **【Licenses】** *Leases*.

(a) How effective. **【Licenses】** *Leases* for any stall spaces in the several markets shall be issued and be effective according to the provisions of this section.

**【(b) Certificate; issue of license.** Whenever the Superintendent of Markets or the Market Master shall license any stall spaces or section in a market, he shall give to the person or persons obtaining the space or section a certificate which shall specify the terms of the tenure and the number and other description of the stall space or section. A copy of the certificate shall be sent to the City Comptroller and, if approved by him the Superintendent person for the stall space or section, under the authority the Superintendent of Markets shall forthwith issue and grant a license to the person for the stall space or section, under the authority of the Mayor and City Council of Baltimore.】

*(b) Method of leasing. Any person applying for a space in a market shall be shown all available spaces in that market and be advised of all possible options regarding rentals. All requests for stall space must be made in writing and sent by certified mail to the Superintendent of Markets and stamped by his staff as to date and time of receipt. All replies to these requests must be made in writing and copies retained for at least three years. Each lease shall specify the terms of the tenure and the number and other description of the stall space or section. A copy of the lease shall be sent to the City Comptroller to be approved by him.*

(c) Payment of fee. The issue and granting of the **【license】** *lease* shall be subject to the payment of the **【license】** *rental* fee prescribed therefor. The amount of the **【license】** *rental* fee for the stall spaces and sections shall be established by the City Comptroller, with the approval of the Board of Estimates, *based solely on the number of square feet in the lease areas and each market shall have the same square footage rate in all its leases.*

(d) Terms; record of **【licenses】** *leases*. **【The license** may be issued for a period of not longer than one year.

It] *Each lease* shall distinctly express the number or other description of the stall space or section, the market wherein it is located and the terms of the [permit] *lease*. The Superintendent of Markets shall keep a full record of the name of [the person or persons to whom such a license shall be issued and granted] *the lessee* and the terms and tenure thereof, in a book to be kept by him for that purpose. *Leases for more than one year may be granted but they must contain provisions which will maintain over their duration the uniformity of rents based on square footage rates required in Section 2 (e) above.*

(e) [License transferable] *Leases assignable*. With the approval of the Comptroller, any such [license] *lease* shall be transferable [and renewable from year to year during the existence of the said market] , provided the [license] *lease* shall comply with all laws and ordinances of the City of Baltimore relating to markets.

(f) Effect of [license] *lease*. The [license] *lease*, while [effective] *in effect*, shall be evidence of a right of occupancy in the [grantee] *lessee* or assignee thereof to the stall space or section, as the case may be.

[(g) Changes in fees. The Mayor and City Council of Baltimore, acting through the City Comptroller with the approval of the Board of Estimates, as described hereinbefore in this section, shall have the right at any time within ninety (90) days prior to the expiration of any license period to change the amount of the license fee required for the licensing of stall spaces or section, in any or all of the several markets.]

[(h)] (g) Days effective; additional days. [License fees] *Rental* shall be payable in advance, either annually, semi-annually ~~or~~ , quarter-annually, OR MONTHLY as may be agreed upon and with the approval of the Superintendent of Markets. The right of occupancy following the [issue of a license] *execution of the lease* and the payment of the [license] *rental* fee shall authorize the [licensee] *lessee* of any such stall space or section to occupy it only on the regular market days prescribed for the particular market.

[(j)] (h) Vacant stall space. Any person who may bring provisions or articles of any description, the sale



of which is not prohibited at that market, for sale on a market day during market hours, shall be authorized to occupy any vacant stall space or section upon paying to the Market Master for the use of the **[City Treasurer]** *Director of Finance* the sum of \$10.00 for each day or part of a day he shall use and occupy the stall space or section. If a **[license]** *lease* has been issued for the use of a stall space or section, no person shall be permitted to occupy that stall space or section under the provisions of this section without the consent of the **[licensee]** *lessee*.

**[(k)]** License year. License of the use and occupancy of a stall space or section shall be issued only for the full term of one year beginning July 1 in each year.]

**[(l)]** (i) Non-payment of **[fee]** *rent*. If the **[license]** *rental* fee for the coming year, half-year ~~or~~, quarter-year, OR MONTH as the case may be, is not paid within fifteen days from the commencement of that year, half-year ~~or~~, quarter year, OR MONTH as the case may be, a penalty at the rate of ten percentum (10%) of the **[license]** *rental* fee shall forthwith be added thereto, and thereafter a penalty of ten percentum (10%) per month for each month or portion of a month, in that quarter, shall be imposed. The entire **[license]** *rental* fee plus the penalty shall be due and payable before the applicant is granted any further **[license]** *lease* or renewal thereof under this Article.

**[(m)]** (j) Forfeiture. Failure to use and occupy any stall space or section for which a **[license]** *lease* has been issued, within ninety days after the commencement of the period for which a **[license]** *rental* fee has been paid, shall cause a forfeiture of all right, privilege and interest of the **[licensee]** *lessee* in the use and occupancy of the stall space or section, and all such right, privilege and interest of the **[licensee]** *lessee* shall forthwith cease and revert to the Mayor and City Council of Baltimore.

**[(n)]** (k) Renewals. All applications for renewal of **[licenses]** *leases* must be filed with the Superintendent of Markets on or before **[June 1st of each year on forms furnished by the Superintendent of Markets]** ~~thirty~~ SIXTY days prior to the expiration of the current lease.

**[(o)] (l)** Alteration of spaces. No **[license holder]** *lessee* shall make any installations or alterations on the **[licensed]** *leased* stall spaces until plans have been submitted to and approved by the Superintendent of Markets and a permit therefor has been obtained from the Commissioner of Housing and Community Development, and until the approval of the Health Department of Baltimore City has been secured where said approval is required.

**[(p)] (m)** Wiring. The electric wiring on all **[licensed]** *leased* stall spaces must be in accordance with the Electric Code of Baltimore City.

**[(q)] (n)** Minor privileges. No permit shall be issued for minor privilege stalls or stands within two blocks of the limits of the several markets, as herein defined, except for outdoor table service when accessory to a restaurant use AND EXCEPT FOR A PROPERTY OWNER WHO HAS OPERATED A BUSINESS IN THE SAME BLOCK SINCE 1931, WHEN ACCESSORY TO THE BUSINESS CONDUCTED AT THAT LOCATION.

**[(r)] (o)** Defacing buildings. It shall be the duty of the Market Masters of the several markets to prevent bill posting, defacing, mutilating or injuring any portion of the Market Buildings in any manner whatsoever. Any person or persons wilfully posting bills, defacing, mutilating or injuring any portion of said Market Buildings shall be subject to a fine of not more than twenty-five dollars (\$25.00) for each and every offense.

**[(s)] (p)** **[Licensee]** *Lessee* to occupy. The **[licensee]** *lessee* of any section or space in the wholesale Fish or Retail Markets shall use and occupy it and not be permitted to rent or sublease it to any firm, corporation or person.

**[(t)] (q)** Fires. No fires, stoves or firepots shall be allowed in the wholesale Fish or Retail Markets.

**[(u)] (r)** Sanitation. No **[license holder]** *lessee* shall permit any garbage, rubbish or other waste material to accumulate on the premises. He shall provide containers for the disposition of same that conform with the requirements of the Bureau of Sanitation of Baltimore City, and shall keep such containers covered at all time.

**[(v)] (s)** Plumbing work. No **[license holder]** *lessee* shall perform or have performed on the **[licensed]** *leased* stall space any plumbing or drainage work except under the supervision of the Commissioner of Health, and unless a permit be issued therefor.

**[(w)] (t)** Removal of fixtures. Upon the expiration of the **[license]** *lease* any stall space or section, the **[license holder]** *lessee* shall forthwith remove therefrom within five days any fixtures, furniture or other items of personal property which belong to him. After five days all fixtures, furniture and personal property will be considered abandoned and the Superintendent of Markets shall have the right of removal or disposal. The cost of the removal shall be charged to the merchant abandoning said fixtures, furniture or personal property.

### 3. Platform or base.

The **[licensee]** *lessee* of any stall space or section shall operate the same upon a raised platform which is not less than twenty inches above the surrounding pavement. Or, in the alternative, he may operate the stall space upon a concrete base not less than eight inches in thickness extending under the entire stall space and resting at least eight inches above the surrounding pavement. The **[licensee]** *lessee* shall not have under his stall space any box, closet, or other receptacle of any kind whatsoever, unless it shall be raised not less than twenty inches above the surrounding pavement or, in the alternative, being resting upon such a concrete base of not less than eight inches thickness. It shall be the duty of the Market Master to notify every person holding a **[license]** *lease* for a stall space in that market to comply with the provisions of this section. Failure so to comply shall be deemed a misdemeanor and, upon conviction thereof, shall be subject to a penalty of fifty dollars for each and every week or portion thereof that the provisions of this section are not complied with. In addition, upon a failure to comply with the provisions of this section, the Market Master shall have the authority to have the work done and charge it to the **[licensee]** *lessee*, and such cost shall be added to and included in the license fee due and payable for the use of such stall space.



## 6. Merchandise.

(a) Foodstuffs. Except as to the Wholesale Fish Market for which separate provision is made, nothing in this Article contained shall be construed as limiting the sale to foodstuffs exclusively, providing, however, that the occupant or tenant shall, when making his application for an original **[license]** *lease* or for the renewal of an existing **[license]** *lease*, clearly set forth in each application and in each succeeding application, merchandise or articles to be sold under his particular **[licenses]** *leases*.

(b) Changes. The class or type of merchandise, articles or foodstuffs offered for sale, shall not be changed during the tenancy of the **[license]** *lessee* without expressed written approval of the Superintendent of Markets. Any occupant or tenant violating the provisions of this section shall suffer the revocation of his or her **[license]** *lease*.

## 7. Provisions.

(c) No **[license]** *lease*. Any person or persons occupying a stall space on any day for which a **[license]** *lease* has not been obtained under the provisions of this Article shall be subject to a fine of not less than twenty-five dollars nor more than one hundred dollars for each such offense.

## 17. Market Associations.

(a) Members and officers. Each retail public market is hereby **[authorized]** *required* to form a Market Association after the effective date of this ordinance. **[In the event that 75 percent of the stall owners of a particular market desire to form such an association, then authority is herewith given for such action.]** The officers of the Association shall be the President, Vice President, *and* Treasurer, **[Secretary,]** and such other officers as the members may elect. Every stall owner in each retail public market **[shall automatically]** *may* become a member of the Association when it is formed, each member enjoying the same privileges and responsibilities as all other members. Each member shall be entitled to one vote only.

(b) **Meetings.** The Association shall hold an annual meeting in the last quarter of each year, due written notice being given to all members not less than ten days and not more than thirty days in advance of such meeting. Among other business conducted at this meeting will be the election of officers. Each administration shall serve for one year, with the newly elected Administration taking office on January first. Regular or special meetings may be called throughout the year by the President or by a majority of the membership.

[(c) **Recommendations and rules.** The officers of the Market Association, with the majority approval of the members, may establish a proportionate assessment fee for the stall owners and establish other rules designed for the general welfare of the Association which may include, but not be restricted to, such activities as security services, guards, community relations, advertising, market hours, etc. All recommendations, with the exception of election of officers, approved by a majority of the Association members, will be submitted in writing to the Superintendent of Markets for his review and approved not more than thirty days after such decisions have been reached. Within thirty days after reception of such recommendations, the Superintendent of Markets shall approve or disapprove them in writing to the President of the appropriate Market Association. All approved recommendations will then become binding on all members.]

*(c) Market fee. It shall be the responsibility of the Market Associations to collect a semi-annual market fee from all the lessees in the market to pay for the security, trash removal and exterminating services at the market. These fees will be assessed on each lessee on a pro-rated basis according to the square footage rental by the lessee. Any lessee who fails to pay this market fee within the time period set by the Association shall be considered in default of his lease and shall be denied renewal of his lease at the expiration of the current period for which he has paid rent.*

[(d) **Members violating rules.** The President of the Market Association, with the majority approval of the members, may recommend to the Superintendent of

Markets non-renewal of licenses to those members who fail to pay any dues or assessments which may be levied against the members of the Association, and if in the judgment of the Superintendent of Markets such recommendation is justified, he will duly advise such members in writing, giving them not less than thirty days in which to make the said payment, and failing that, to deny renewal of the license at the expiration of the current period for which they have paid. ]

*(d) Association dues. In addition to the market fees in Section 17(c) above, a market association may charge dues to the lessees who have voluntarily become members of the Association. These dues may be used for whatever purpose the officers and members deem appropriate.*

*(e) Complaint procedure. The presidents of all the market associations shall meet as a board of complaint once every two months to hear grievances from the lessees regarding any complaints of unfairness, lack of cooperation, favoritism or failure to perform duties which the lessees wish to note against the Superintendent of Markets or his employees. The presidents shall make a recommendation for action on each complaint to the Comptroller and the Comptroller will make the final determination as to the resolution of the complaint. The statement of the complaint, the recommendations and the resolution of the complaint will be recorded and filed with the Department of Legislative Reference.*

SEC. 2. And be it further ordained, That this Ordinance shall take effect thirty days from the date of its passage.

Approved August 26, 1981.

WILLIAM DONALD SCHAEFER, Mayor.



No. 427

(Council No. 750)

AN ORDINANCE concerning

ISSUANCE OF INDUSTRIAL DEVELOPMENT  
REVENUE BOND—III B ASSOCIATES

FOR the purpose of authorizing and empowering Mayor and City Council of Baltimore (the "City") to issue, sell and deliver, at any time or from time to time, its industrial development revenue bond, in the principal amount not to exceed \$25,000,000 (the "Bond"), pursuant to the provisions of Subsection 50, Article II of the Charter of Baltimore City (1964 Revision), in order to loan the proceeds thereof (the "Loan") to III B Associates, a Maryland limited partnership (the "Borrower"), for the sole and exclusive purpose of financing the acquisition, construction and improvement by Borrower of a residential complex, consisting of 254 units of housing (129 one-bedroom and 125 two-bedroom), with 50,000 square feet of commercial/retail space and a 250-space parking garage (the "Project"), to be located in Baltimore City as provided in this Ordinance; authorizing the Mayor of the City to accept, on behalf of the City, the letter of intent to the City from the Borrower dated August 3, 1981; making certain legislative findings, among others, concerning the public benefit and purpose of the Bond; providing that the Bond and the interest thereon shall be limited obligations of the City, repayable by the City solely from the revenue derived from loan repayment (both principal and interest) made to the City on account of the Loan and from any other monies made available to the City for such purpose, and that neither the Bond nor the interest thereon shall ever constitute an indebtedness or a charge against the general credit or taxing powers of the City within the meaning of any constitutional or charter provision or statutory limitation and that neither shall ever constitute or give rise to any pecuniary liability of the City.

## RECITALS

Subsection 50 of Article II of the Charter of Baltimore City (1964 Revision, 1980 Cumulative Supplement) (the "Enabling Law") authorizes the Mayor and City Council of Baltimore (the "City") to issue revenue bonds and to loan the proceeds thereof to finance the construction, reconstruction or acquisition of property, facilities, developments or improvements for the accomplishment of any of the purposes, objects and powers of the Mayor and City Council. Some of the general objectives of the City contemplated by the Enabling Law include the relief of conditions of unemployment in Baltimore City, promoting an increase in business activity and a balanced economy in Baltimore City promoting economic development and encouraging the retention of business in the City and promoting the health, safety and welfare of the residents of Baltimore City. Mayor and City Council of Baltimore has received a letter of intent dated August 3, 1981 (the "Letter of Intent") from III B Associates, a Maryland limited partnership (the "Borrower"), pursuant to which the Borrower has requested the City to participate in financing the acquisition, construction and improvement by Borrower of a residential complex, consisting of 254 units of housing, with 50,000 square feet of commercial/retail space and a 250-space parking garage, to be located in Baltimore City, Maryland (the "Project"), by the issuance and sale by the City of its Industrial Development Revenue Bond in the principal amount not to exceed \$25,000,000 (the "Bond"), and by loaning the proceeds of the Bond to the Borrower (the "Loan").

The Project will be constructed on the Charles Center Urban Renewal Development Area 3B at Liberty Street and Charles Center Plaza owned by the Mayor and City Council of Baltimore, and will consist of the acquisition, construction and improvement by Borrower of a residential-commercial and parking complex.

NOW, THEREFORE, IN ACCORDANCE WITH  
THE ENABLING LAW:

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That acting pursuant to the Enabling Law, it is hereby found and determined as follows:

(1) The issuance and sale of the Bond by the City pursuant to the Enabling Law in order to lend the proceeds thereof to the Borrower for the sole and exclusive purpose of financing the acquisition, construction and improvement by the Borrower of the commercial Project will facilitate and expedite the construction of the Project by the Borrower.

(2) The construction of the Project by the Borrower and the financing thereof as provided in this Ordinance will promote the following purposes and objects: (a) relieve conditions of unemployment in the State of Maryland and in Baltimore City; (b) encouraging the increase of industry and a balanced economy in the State of Maryland and in Baltimore City; (c) promoting economic development; and (d) promoting the health, welfare and safety of the residents of the State of Maryland and Baltimore City.

(3) Neither the Bond nor the interest thereon shall ever constitute an indebtedness or general obligation of the City or a charge against, or pledge of the general credit or taxing powers of the City, within the meaning of any constitutional or charter provision or statutory limitation, and neither shall ever constitute or give rise to any pecuniary liability of the City. The Bond and the interest thereon shall be a limited obligation of the City, repayable by the City solely from the revenues derived from Loan repayments (both principal and interest) made to the City by the Borrower on account of the Loan and from any other monies made available to the City for such purpose.

SEC. 2. *And be it further ordained*, That the City is hereby authorized and empowered to issue, sell and deliver, at any time or from time to time, its Industrial Development Revenue Bond in the aggregate principal amount not to exceed \$25,000,000. The proceeds of the Bond will be loaned to the Borrower, to be used by the Borrower for the sole and exclusive purpose of financing the acquisition, construction and improvement of the Project. The Bond



and the interest thereon shall be a limited obligation of the City, repayable by the City solely from the revenue derived from Loan repayments (both principal and interest) made to the City by the Borrower pursuant to the Loan terms and from any other monies made available to the City for such purpose.

SEC. 3. *And be it further ordained*, That the Mayor of the City is hereby authorized and directed to accept the Letter of Intent on behalf of the City in order to further evidence the commitment of the City to issue, sell and deliver the Bond in accordance with the terms and provisions of this Ordinance.

SEC. 4. *And be it further ordained*, That neither the Bond nor the interest thereon shall ever constitute an indebtedness or general obligation of the City or a charge against the general credit or taxing powers of the City within the meaning of any constitutional or charter provision or statutory limitation, and neither shall ever constitute or give rise to any pecuniary liability on the part of the City. The Bond, and the interest thereon, shall be a limited obligation of the City, the principal of and interest on which Bond shall be payable by the City solely from the revenue derived from loan repayments (both principal and interest) made to the City by the Borrower on account of the Loan.

SEC. 5. *And be it further ordained*, That the provisions of this Ordinance are severable, and if any provision, sentence, clause, section or part hereof is held illegal, invalid or unconstitutional or inapplicable to any person or circumstances, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this Ordinance or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this Ordinance would have been passed if such illegal, invalid or unconstitutional provision, sentence, clause, section or part had not been included herein, and if the person or circumstances to which this Ordinance or any part hereof are inapplicable had been specifically exempted herefrom.

SEC. 6. *And be it further ordained*, That this Ordinance shall take effect from the date of its passage.

Approved September 16, 1981.

WILLIAM DONALD SCHAEFER, *Mayor*.

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No. 428

(Council No. 720)

AN ORDINANCE concerning

RIGHT OF WAY—JOHN C. RHODES, JR., ET UX

FOR the purpose of authorizing the Mayor and City Council of Baltimore to grant unto John C. Rhodes, Jr. and Helen L. Rhodes, his wife, their heirs and assigns, a perpetual easement, 12 feet wide, for the purposes of ingress and egress, in, on and over City property situated in Baltimore County and extending in a southerly direction from the center line of Cotter Road, the distance of 590 feet, more or less, to the northeast boundary line of the property formerly belonging to Walter F. Wigley. The exclusive use of said easement area for public purposes being no longer needed by the Mayor and City Council of Baltimore.

WHEREAS, John C. Rhodes, Jr. and Helen L. Rhodes, his wife, the owners of a parcel of land formerly known as the Walter F. Wigley property situated in the Sixth Election District of Baltimore County and located off the easterly side of Cotter Road and north of the intersection of Flintstone Road and adjoining Pretty Boy Reservoir property owned by the City and located on said City property is a roadway which the present and past owners of the Walter F. Wigley property has been using continuously for ingress and egress purposes for several years and prior to the acquisition of the said property by the City, and

WHEREAS, in forbearance of possible litigation as to the respective rights of the parties hereto to said roadway, it has been mutually agreed that a perpetual ease-

ment containing appropriate provisions to protect and indemnify the City shall be granted to the present owner of the Walter F. Wigley Property.

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That the Mayor and City Council of Baltimore be and it is hereby authorized to grant and convey to John C. Rhodes, Jr. and Helen L. Rhodes, his wife, their heirs and assigns, a perpetual easement 12 feet wide for the purposes of ingress and egress, in, on, and over City property situate in Baltimore County, the center line and boundaries of said easement described as follows:

BEGINNING at a nail designated as traverse point No. 1 located 604.5' N 84- $\frac{1}{4}$ ° E from a concrete monument along the third line of the deed, being in the northwest corner of the property formerly belonging to J. Donn Aiken and Ruth Wells Aiken, his wife, as set forth in a deed recorded among the Land Records of Baltimore County in Liber J.W.B. No. 1600, folio 287, dated September 17, 1947 and said point of beginning being also in the center of an 8 foot road as now laid out and used, thence along a line 590' N 18- $\frac{3}{4}$ ° W to a nail in the center line of the county road and known as Cotter Road.

The boundaries of the easement are located as follows: designating T.P. No. 1, as station 0+00 and proceeding northward toward Cotter Road the 12' easement boundaries are:

|                                       |       |       |       |      |
|---------------------------------------|-------|-------|-------|------|
| Station 0+00                          | 6.00' | right | 6.00' | left |
| Station 0+50                          | 6.00' | right | 6.00' | left |
| Station 1+00                          | 6.00' | right | 6.00' | left |
| Station 1+50                          | 6.00' | right | 6.00' | left |
| Station 2+00                          | 6.00' | right | 6.00' | left |
| Station 2+50                          | 6.00' | right | 6.00' | left |
| Station 3+00                          | 6.00' | right | 6.00' | left |
| Station 3+50                          | 6.00' | right | 6.00' | left |
| Station 4+00                          | 6.00' | right | 6.00' | left |
| Station 4+50                          | 6.00' | right | 6.00' | left |
| Station 5+00                          | 6.00' | right | 6.00' | left |
| Station 5+50                          | 6.00' | right | 6.00' | left |
| Station 5+80 (edge of<br>Cotter Road) | 6.00' | right | 6.00' | left |

Containing .160 acres more or less.



Any grant of said easement to John C. Rhodes, Jr. and Helen L. Rhodes, his wife, shall contain appropriate provisions formulated by the Director of Public Works to protect and indemnify the Mayor and City Council of Baltimore by reason of the granting of said easement.

SEC. 2. *Be it further ordained*, That no deed or deeds shall pass in accordance herewith until the same shall have first been approved by the City Solicitor.

SEC. 3. *And be it further ordained*, That this ordinance shall take effect from the date of its passage.

Approved September 25, 1981.

WILLIAM DONALD SCHAEFER, *Mayor*.

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No. 429

(Council No. 752)

AN ORDINANCE concerning

INDUSTRIAL DEVELOPMENT REVENUE  
BONDS—(FOODARAMA GROUP,  
INC. PROJECT)

FOR the purpose of authorizing and empowering Mayor and City Council of Baltimore to issue and sell, at any time or from time to time and in one or more series, as limited obligations of the City and not upon its full faith and credit, its industrial development revenue bonds, in the aggregate principal amount not to exceed \$2,500,000, pursuant to the provisions of Sub-section (50) of Article II of the Charter of Baltimore City (1964 Revision), as amended, for the sole and exclusive purpose of financing the costs of the acquisition by Foodarama Group, Inc., a Maryland corporation, and/or a joint venture of which it is a joint venture partner of a certain project in Baltimore City consisting of the acquisition of the leasehold interest in certain improvements thereon located at Moravia Park, Mondawmin

Mall, Reisterstown Road Plaza, Waverly Towers on Greenmount Avenue and Cedonia Mall, all in Baltimore City to be used and operated as retail food stores, and the purchase of certain machinery and equipment and other improvements therein, to be owned and used by Foodarama Group, Inc., and/or a joint venture of which it is a joint venture partner authorizing the Mayor of the City, on behalf of the City, to accept a letter of intent dated August 28, 1981 from Foodarama Group, Inc. to the City; making certain legislative findings; authorizing and empowering the Board of Finance of the City, by a resolution or resolutions adopted prior to the issuance, sale and delivery of any series of such bonds, to (a) prescribe, among other things but not limited to, the form, terms, provisions, manner or method of issuing and selling (including negotiated as well as competitive bid sale), and the time or times of issuance, and any and all other details of such bonds, and (b) do any and all things necessary, proper or expedient in connection with the issuance and sale of such bonds; providing that Foodarama Group, Inc. shall agree to submit any plans and specifications to, and to coordinate with, the Department of Housing and Community Development in connection with the completion of such project; providing that such bonds must be issued and sold within six months from the date this Ordinance is approved by the Mayor, unless the Board of Finance approves one six month extension as provided in this Ordinance; and generally providing for and determining various matters and details in connection with the issuance and sale of such bonds.

### RECITALS

Sub-section (50) of Article II of the Charter of Baltimore City (1964 Revision), as amended (the "Enabling Law"), empowers Mayor and City Council of Baltimore (the "City") to borrow money to finance undertakings for the accomplishment of any of the purposes, objects and powers of the City and in connection therewith to issue bonds, notes, or other obligations (including refunding bonds, notes or other obligations), all of which shall be fully negotiable, payable, as to both principal and interest, solely from and secured

solely by a pledge of (I) the revenues from or arising in connection with the property, facilities, developments and improvements whose financing is undertaken by the issuance of such bonds, notes or other obligations, (II) the revenues from or arising in connection with any contracts, mortgages, or other securities purchased or otherwise acquired with the proceeds of such bonds, notes or other obligations, (III) the contracts, mortgages or other securities purchased or otherwise acquired with the proceeds of such bonds, notes or other obligations, or (IV) any combination of (I), (II) or (III). The purposes, objects and powers of the City contemplated by the Enabling Law include the relief of conditions of unemployment in Baltimore City, encouraging the increase of industry and a balanced economy in Baltimore City, promoting economic development in Baltimore City, and promoting the health, welfare and safety of the residents of Baltimore City.

The City has received a letter of intent dated August 28, 1981 (the "Letter of Intent") from Foodarama Group, Inc., a Maryland corporation (the "Borrower"), pursuant to which the Borrower has requested the City to participate in the financing of the costs of the acquisition by the Borrower of a certain project in Baltimore City (the "Project"), by issuing and selling the City's industrial development revenue bonds in the aggregate principal amount not to exceed \$2,500,000 (the "Bonds"), and by loaning the proceeds of the Bonds to the Borrower, upon the terms and conditions of an Industrial Building Financing Agreement to be entered into, among others, the City and the Borrower (the "Financing Agreement"), as permitted by the Enabling Law (such loan being herein referred to as the "Loan"), to be used by the Borrower for the sole and exclusive purpose of financing the costs of the acquisition of the Project by the Borrower.

The Project, which is an "undertaking" which will accomplish the purposes, objects and powers of the City as mentioned in the Enabling Law, will consist generally of (a) the acquisition of leasehold interests in real property located at Moravia Park, Mondawmin Mall, Reisterstown Road Plaza, Waverly Towers on



Greenmount Avenue and Cedonia Mall, all in Baltimore City, (b) the acquisition of such machinery and equipment, and any and all other improvements as may be necessary or useful in connection with the operation thereof, and (c) the acquisition of other interests in land as may be necessary or suitable for the foregoing, including roads and rights of access, utilities and other necessary site preparation. Upon completion, the Project will be owned by the Borrower and/or a joint venture of which the Borrower is a joint venture partner for use as retail food stores.

The Enabling Law provides that the City may authorize and empower the Board of Finance of the City (the "Board") by resolution to determine and set forth the form, terms, provisions, manner or method of issuing and selling (including negotiated as well as competitive bid sale), and the time or times of issuance, and any and all other details of the Bonds and the issuance and sale thereof, and to do any and all things necessary, proper or expedient in connection with the issuance and sale of the Bonds.

**NOW THEREFORE, IN ACCORDANCE WITH THE ENABLING LAW:**

SECTION 1. *Be it ordained by Mayor and City Council of Baltimore*, That enacting pursuant to the Enabling Law, it is hereby found and determined as follows:

(1) The issuance and sale of the Bonds by the City pursuant to the Enabling Law in order to lend the proceeds thereof to the Borrower for the sole and exclusive purpose of financing the costs of acquisition of the Project will facilitate and expedite the acquisition of the Project by the Borrower.

(2) The acquisition of the Project by the Borrower and the financing of the costs of such acquisition as provided in the Ordinance will serve to promote the general purposes contemplated by the Enabling Law by (a) sustaining jobs and employment in Baltimore City; (b) promoting economic development in Baltimore City; and (c) encouraging the increase of industry and a balanced economy in Baltimore City.

(3) Any and all of the Bonds and the interest thereon shall not be general obligations of the City and shall not be a pledge of or involve the faith and credit or the taxing power of the City, and shall not constitute a debt of the City, all within the meaning of Section 7 of Article XI of the Constitution of Maryland or within the meaning of any other constitutional, statutory or charter provision limiting or restricting the sale or issuance of bonds, notes or other obligations of the City, and shall be fully negotiable, payable, as to both principal and interest, solely from and secured solely by a pledge of the revenue derived from Loan repayments (both principal and interest) made to the City by the Borrower on account of the Loan and from any other moneys made available to the City for such purpose, all as the Board may approve by a resolution or resolutions adopted prior to the issuance, sale and delivery of the Bonds. The proceeds of the revenue bonds will be paid directly to a corporate trustee (to be appointed by the Board) or a project fund trustee (which may be the original purchaser of the Bonds), to be held and disbursed by such trustee or project fund trustee as provided in the Financing Agreement, to be approved by the Board in the Resolution; provided, however, that if the Board finds and determines, pursuant to the Resolution, that the Project will be completed on or before the date of delivery of the Bonds, the Board may provide in the Resolution that the proceeds of the Bonds will be paid directly to the Borrower, or for the account of the Borrower, to be used by the Borrower to pay the costs of, or to reimburse the Borrower for the payment of the costs of, the acquisition of the Project, as provided in the Financing Agreement to be approved by the Board in the Resolution. Payments of the principal of and premium (if any) and interest on the Loan will be paid by the Borrower directly to such trustee or to the original purchaser of the Bonds, its successors and assigns, as provided in the Financing Agreement, to be approved by the Board in the Resolution. No such moneys will be commingled with the City's funds or will be subject to the absolute control of the City, but will be subject only to such limited supervision and checks as are deemed necessary or desirable by the City to insure that the proceeds of the Bonds are used to accomplish the public

purposes of the Enabling Law and this Ordinance. The loan form of transaction authorized hereunder shall in no event constitute a capital project within the meaning of any charter or statutory provision. The public purposes expressed in the Enabling Law are to be achieved by facilitating the acquisition of the Project by the Borrower.

(4) The City will acquire no interest in the Project other than (a) any general interest in the Borrower's property shared by all holders of the Borrower's obligations which rank and are secured equally with the Borrower's obligations pursuant to the Financing Agreement, (b) any lien and security interest created by the Financing Agreement, and (c) any interest created by any other mortgage or deed of trust or other security instrument executed and delivered by the Borrower or any third party as security for the Loan or the Bonds as the Board may provide for and approve in the Resolution. The security for the Bonds shall be solely and exclusively (a) the absolute, irrevocable and unconditional obligations of the Borrower to make the payments required by the Financing Agreement, (b) moneys realized from the liquidation of any lien and security interest created by the Financing Agreement and of any other lien or security interest created with respect to any property as security for the Loan or the Bonds as the Board may provide for and approve in the Resolution, and (c) moneys realized from any guaranty of the Bonds or of the Loan as the Board may provide for and approve in the Resolution.

(5) The best interests of the City will be served by selling the Bonds at private (negotiated) sale, as authorized by the Enabling Law, upon terms and conditions approved by the Board in the Resolution.

SEC. 2. *And be it further ordained*, That the City is hereby authorized and empowered to issue and sell, at any time or from time to time and in one or more series, as limited obligations of the City and not upon its full faith and credit, its industrial development revenue bonds, in the aggregate principal amount not to exceed \$2,500,000, subject to the provisions of this Ordinance. The proceeds of the Bonds will be loaned to the Borrower under terms and



conditions approved by the Board and set forth in a Resolution, and used by the Borrower for the sole and exclusive purpose of financing the costs of the acquisition of the Project.

SEC. 3. *And be it further ordained*, That each of the Bonds shall bear the descriptive title "Baltimore City, Maryland Industrial Development Revenue Bonds (Foodarama Group, Inc. Project)", provided, that the descriptive title may contain such other descriptive information as the Board may prescribe in the Resolution (e.g. "1981 Series"). The Bonds shall bear interest at the rate or rates of interest to be determined by negotiation with the original purchaser or purchasers of the Bonds and to be approved and prescribed by the Board in the Resolution.

SEC. 4. *And be it further ordained*, That the definitive Bonds, which may be engraved, printed or typewritten, including a Certificate of Authentication to be endorsed thereon, if required by the Financing Agreement, shall be in such form, not inconsistent with the Enabling Law and the provisions of this Ordinance, as the Board may approve in the Resolution.

SEC. 5. *And be it further ordained*, That this Ordinance constitutes the present intent of the City to issue the Bonds, and the Mayor of the City is hereby authorized to accept the Letter of Intent on behalf of the City in order to further evidence the present intent of the City to issue the Bonds in accordance with the terms and provisions of this Ordinance.

SEC. 6. *And be it further ordained*, That, as permitted by the Enabling Law, the Board is hereby authorized and empowered, by a resolution or resolutions adopted prior to the issuance, sale and delivery of any of the Bonds, to:

(a) prescribe, among other things but not limited to, the form, terms, provisions, manner or method of issuing and selling (including negotiated as well as competitive bid sale), and the time or times of issuance, and any and all other details of the Bonds and the issuance and sale thereof;

(b) approve (i) the pledge or assignment by the City of any of the security described in Section 1 of this Ordinance, pursuant to the Financing Agreement, (ii) the form of the Financing Agreement, as provided in the Enabling Law, and (iii) such provisions in the Financing Agreement as the Board may deem reasonable and proper for the security of the holders of the Bonds;

(c) approve the terms and conditions, including but not limited to the terms and conditions of any documents to be executed and delivered by the City (other than customary financing statements and closing certificates), under which the proceeds of the Bonds will be loaned to the Borrower to finance the costs of the acquisition of the Project; and

(d) do any and all things necessary, proper or expedient in connection with the issuance, sale and delivery of the Bonds.

SEC. 7. *And be it further ordained*, That any and all of the Bonds shall not be general obligations of the City and shall not be a pledge of or involve the faith and credit or the taxing power of the City, and shall not constitute a debt of the City, all within the meaning of Section 7 of Article XI of the Constitution of Maryland or any other constitutional, statutory or charter provision limiting or restricting the sale or issuance of bonds, notes or other obligations of the City. All of the Bonds shall be limited obligations of the City, and shall be fully negotiable, payable, as to both principal and interest, solely from and secured solely by a pledge of the revenue derived from Loan repayments (both principal and interest) made to the City by the Borrower pursuant to the Financing Agreement and from any other moneys made available to the City for such purpose, all as the Board may approve by a resolution or resolutions adopted prior to the issuance, sale and delivery of any of the Bonds.

SEC. 8. *And be it further ordained*, That the Borrower shall agree that:

(a) it will submit any plans and specifications for the Project to the Department of Housing and Community

Development for approval, and that the Department of Housing and Community Development may refuse approval of any plans and specifications for aesthetic or functional reasons; and

(b) it and its developers will work with the design advisory group appointed by the Department of Housing and Community Development in order to achieve high quality site, building, and landscape design.

SEC. 9. *And be it further ordained*, That any and all of the Bonds shall be executed in the name of the City and on its behalf by the Mayor of the City, by his manual or facsimile signature, and by the Director of Finance of the City, by his manual or facsimile signature, and the corporate seal of the City or a facsimile thereof shall be impressed or otherwise reproduced thereon and attested by the Custodian of the City Seal, by his manual signature. Any trust agreement or other documents as the Board shall deem necessary to effectuate the issuance, sale and delivery of the Bonds shall be executed in the name of the City and on its behalf by the Mayor of the City by his manual or facsimile signature, and the corporate seal of the City or a facsimile thereof shall be impressed or otherwise reproduced thereon and attested by the Custodian of the City Seal by his manual signature. In case any officer whose signature or a facsimile of whose signature shall appear on the Bonds or any of the aforesaid documents shall cease to be such officer before the delivery of the Bonds or any of the other aforesaid documents, such signature or such facsimile shall nevertheless be valid and sufficient for all purposes, the same as if such officer had remained in office until delivery. The Mayor of the City, the Director of Finance of the City, the Custodian of the City Seal and other officials of the City are hereby authorized and empowered to do all such acts and things and execute such documents and certificates as the Board may determine by resolution to be necessary to carry out and comply with the provisions hereof.

SEC. 10. *And be it further ordained*, That any and all necessary financing statements required for the consumma-



tion of the transactions authorized by this Ordinance may be executed on behalf of the City by the Mayor of the City or by the Chief, Bureau of Treasury Management of the City or by such other appropriate official of the City as may be designated by the Mayor of the City to execute such financing statements.

SEC. 11. *And be it further ordained*, That the provision of this Ordinance are severable, and if any provision, sentence, clause, section or part hereof is held illegal, invalid or unconstitutional or inapplicable to any person or circumstances, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this Ordinance or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this Ordinance would have been passed if such illegal, invalid or unconstitutional provision, sentence, clause, section or part had not been included herein, and if the person or circumstances to which this Ordinance or any part hereof are inapplicable had been specifically exempted herefrom.

SEC. 12. *And be it further ordained*, That the Bonds must be issued and sold within six months from the date on which this Ordinance is approved by the Mayor of the City; provided, however, that the Board, after a showing of good cause at a public hearing held before the Board prior to or after the expiration of such six month period, may extend the period during which the Bonds may be issued and sold for one additional term not to exceed six months from the date on which the first six month period expired. The Board, in its sole discretion, and without action by the City Council, shall determine the sufficiency, or lack thereof, of the reasons presented for any requested extension of the six month period. If an extension is granted, notice of such extension and the reasons therefor must be sent to the City Council. To the extent that the Bonds are not issued and sold within twelve months from the date on which this Ordinance is approved by the Mayor of the City, the authority provided in this Ordinance for the City to issue and sell the Bonds shall expire.

SEC. 13. *And be it further ordained*, That this Ordinance shall take effect from the date of its passage.

Approved September 16, 1981.

WILLIAM DONALD SCHAEFER, *Mayor*.

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No. 430

(Council No. 684)

AN ORDINANCE concerning

REZONING—MT. WINANS URBAN  
RENEWAL AREA

FOR the purpose of changing the zoning for the properties located at 2401 thru 2439 Ridgely Street, 2400 thru 2420 Ridgely Street, 2500 thru 2532 Ridgely Street, 2300 thru 2318 Winder Street, 2501 thru 2533 Paca Street, and 2301 thru 2319 Harman Avenue from the R-7 Zoning District to the R-8 Zoning District as outlined in red on the plats accompanying this ordinance.

BY amending Zoning District Maps

Sheet No. 74

Article 30—Zoning

Baltimore City Code (1976 Edition, as amended)

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That Sheet No. 74 of the Zoning District Maps of Article 30 of the Baltimore City Code (1976 Edition, as amended) title "Zoning" be and it is hereby amended by changing from the R-7 Zoning District to the R-8 Zoning District the properties located at 2401 thru 2439 Ridgely Street, 2400 thru 2420 Ridgely Street, 2500 thru 2532 Ridgely Street, 2300 thru 2318 Winder Street, 2501 thru 2533 Paca Street, and 2301 thru 2319 Harman Avenue as outlined in red on the plats accompanying this ordinance.

SEC. 2. *And be it further ordained*, That upon passage of this ordinance by the City Council, as evidence of the

authenticity of the plat which is a part hereof and in order to give notice to the departments which are administering the Zoning Ordinance, the President of the City Council shall sign the plat and when the Mayor approves the ordinance, he shall sign the plat. The Director of Finance shall then transmit a copy of the ordinance and one of the plats to the following: the Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of the Department of Housing and Community Development, and the Zoning Administrator.

SEC. 3. *And be it further ordained*, That this ordinance shall take effect on the date of its passage.

Approved October 9, 1981.

WILLIAM DONALD SCHAEFER, *Mayor*.

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No. 431

(Council No. 742)

AN ORDINANCE concerning

PARKING—RESERVED

FOR the purpose of providing for reserved parking at Ceddox Avenue, south side, from a point 258' east of Pennington Avenue to a point 282' east of Pennington Avenue for Janice Cermak.

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That at Ceddox Avenue, south side, from a point 258' east of Pennington Avenue to a point 282' east of Pennington Avenue parking is reserved for Janice Cermak.

SEC. 2. *And be it further ordained*, That this ordinance shall take effect on the date of its passage.

Approved October 9, 1981.

WILLIAM DONALD SCHAEFER, *Mayor*.



No. 432

(Council No. 753)

AN ORDINANCE concerning

INDUSTRIAL DEVELOPMENT REVENUE BONDS—  
(PRINCESS SHOPS PROJECT)

FOR the purpose of authorizing and empowering Mayor and City Council of Baltimore to issue and sell, at any time or from time to time and in one or more series, as limited obligations of the City and not upon its full faith and credit, its industrial development revenue bonds, in the aggregate principal amount not to exceed \$800,000, pursuant to the provisions of Sub-section (50) of Article II of the Charter of Baltimore City (1964 Revision), as amended, for the sole and exclusive purpose of financing the costs of the completion by The Miller Realty Corporation, a Maryland corporation, of a certain project in Baltimore City consisting of the demolition of the existing store fronts, and construction of a new building (including all tenant improvements), (a) at 1731-1733-1735 Pennsylvania Avenue, and (b) at 5146 Park Heights Avenue, both in Baltimore City, and both to be owned by The Miller Realty Corporation, and leased to The Princess Shops, Inc., a Maryland corporation, for use as retail shops for family apparel; authorizing the Mayor of the City, on behalf of the City, to accept the letter of intent dated July 27, 1981 from The Miller Realty Corporation to the City; making certain legislative findings; authorizing and empowering the Board of Finance of the City, by a resolution or resolutions adopted prior to the issuance, sale and delivery of any series of such bonds, to (a) prescribe, among other things but not limited to, the form, terms, provisions, manner or method of issuing and selling (including negotiated as well as competitive bid sale), and the time or times of issuance, and any and all other details of such bonds, and (b) do any and all things necessary, proper or expedient in connection with the issuance and sale of such bonds; providing that The Miller Realty Corporation shall agree to submit any plans and specifications to, and to coordinate with, the

Department of Housing and Community Development in connection with the completion of such project; providing that such bonds (or bond anticipation notes issued in anticipation of the issuance of such bonds) must be issued and sold within twelve months from the date this Ordinance is approved by the Mayor, unless the Board of Finance approves one six month extension as provided in this Ordinance; authorizing the issuance of notes in anticipation of the issuance of such revenue bonds; and generally providing for and determining various matters and details in connection with the issuance and sale of such bonds and bond anticipation notes.

### RECITALS

Sub-section (50) of Article II of the Charter of Baltimore City (1964 Revision), as amended (the "Enabling Law") empowers Mayor and City Council of Baltimore (the "City") to borrow money to finance undertakings for the accomplishment of any of the purposes, objects and powers of the City and in connection therewith to issue bonds, notes, or other obligations (including re-funding bonds, notes or other obligations), all of which shall be fully negotiable, payable, as to both principal and interest, solely from and secured solely by a pledge of (I) the revenues from or arising in connecting with the property, facilities, developments and improvements whose financing is undertaken by the issuance of such bonds, notes or other obligations, (II) the revenues from or arising in connection with any contracts, mortgages or other securities purchased or otherwise acquired with the proceeds of such bonds, notes or other obligations, (III) the contracts, mortgages or other securities purchased or otherwise acquired with the proceeds of such bonds, notes or other obligations, or (IV) any combination of (I), (II) or (III). The purposes, objects and powers of the City contemplated by the Enabling Law include the relief of conditions of unemployment in Baltimore City, encouraging the increase of industry and a balanced economy in Baltimore City, promoting economic development in Baltimore City, and promoting the health, welfare and safety of the residents of Baltimore City.

The City has received a letter of intent dated July 27, 1981 (the "Letter of Intent") from The Miller Realty Corporation, a Maryland corporation (the "Borrower"), pursuant to which the Borrower has requested the City to participate in the financing of the costs of the completion by the Borrower of a certain project in Baltimore City, Maryland (the "Project"), by issuing and selling the City's industrial development revenue bonds in the aggregate principal amount not to exceed \$800,000 (the "Bonds"), and by making the proceeds of the Bonds available to the Borrower to be used by the Borrower for the sole and exclusive purpose of financing the costs of the completion of the Project by the Borrower.

The Project, which is an "undertaking" which will accomplish the purposes, objects and powers of the City as mentioned in the Enabling Law, will consist of two separate facilities (the "Facilities", or singularly, a "Facility") in different localities of Baltimore. One Facility will consist of (a) the demolition of the existing store fronts located at 1731-1733-1735 Pennsylvania Avenue in Baltimore City, and (b) the construction on such lots of a two-story building of approximately 7,000 square feet, including all necessary tenant improvements. The second Facility will consist of (a) the demolition of the existing store fronts located at 5146 Park Heights Avenue in Baltimore City, and (b) the construction on such property of a 7,000 square foot one-story building, including all necessary tenant improvements. Upon completion, both Facilities will be owned by the Borrower and leased to The Princess Shops, Inc., a Maryland corporation, for use as retail shops in its business of selling family apparel.

The Enabling Law provides that the City may authorize and empower the Board of Finance of the City (the "Board") by resolution to determine and set forth the form, terms, provisions, manner or method of issuing and selling (including negotiated as well as competitive bid sale), and the time or times of issuance, and any and all other details of the Bonds and the issuance and sale thereof, and to do any and all things necessary, proper or expedient in connection with the issuance and sale of the Bonds.



NOW THEREFORE, IN ACCORDANCE WITH THE  
ENABLING LAW:

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That acting pursuant to the Enabling Law, it is hereby found and determined as follows:

(1) The issuance and sale of the Bonds by the City pursuant to the Enabling Law in order to make the proceeds thereof available to the Borrower for the sole and exclusive purpose of financing the costs of completion of the Project will facilitate and expedite the completion of the Project by the Borrower.

(2) The completion of the Project by the Borrower and the financing of the costs of such completion as provided in this Ordinance will serve to promote the general purposes contemplated by the Enabling Law by (a) sustaining jobs and employment in Baltimore City; (b) promoting economic development in Baltimore City; (c) encouraging the increase of industry and a balanced economy in Baltimore City; and (d) promoting the economic development and the health, welfare and safety of the residents of Baltimore City.

(3) Any and all of the Bonds shall not be general obligations of the City and shall not be a pledge of or involve the faith and credit or the taxing power of the City, and shall not constitute a debt of the City, all within the meaning of Section 7 of Article XI of the Constitution of Maryland or within the meaning of any other constitutional, statutory or charter provisions limiting or restricting the sale or issuance of bonds, notes or other obligations of the City. All of the Bonds shall be limited obligations of the City, and shall be fully negotiable, payable, as to both principal and interest, solely from and secured solely by a pledge of (I) the revenues from or arising in connection with the Project, (II) the revenues from or arising in connection with an contracts, mortgages or other securities purchased or otherwise acquired with the proceeds of the Bonds, (III) the contracts, mortgages or other securities purchased or otherwise acquired with the proceeds of the Bonds, or (IV) any combination of (I), (II) or (III), all as the Board may approve by a resolution or resolutions

adopted prior to the issuance, sale and delivery of any of the Bonds.

SEC. 2. *And be it further ordained*, That the City is hereby authorized and empowered to issue and sell, at any time or from time to time and in one or more series, as limited obligations of the City and not upon its full faith and credit, its industrial development revenue bonds, in the aggregate principal amount not to exceed \$800,000, subject to the provisions of this Ordinance. The proceeds of the Bonds will be made available to the Borrower under terms and conditions approved by the Board and set forth in a Resolution, and used by the Borrower for the sole and exclusive purpose of financing the costs of the completion of the Project.

SEC. 3. *And be it further ordained*, That this Ordinance constitutes the present intent of the City to issue the Bonds, and the Mayor of the City is hereby authorized to accept the Letter of Intent on behalf of the City in order to further evidence the present intent of the City to issue the Bonds in accordance with the terms and provisions of this Ordinance.

SEC. 4. *And be it further ordained*, That, as permitted by the Enabling Law, the Board is hereby authorized and empowered, by a resolution or resolutions adopted prior to the issuance, sale and delivery of any of the Bonds, to:

(a) prescribe, among other things but not limited to, the form, terms, provisions, manner or method of issuing and selling (including negotiated as well as competitive bid sale), and the time or times of issuance, and any and all other details of the Bonds and the issuance and sale thereof;

(b) approve (i) the pledge or assignment by the City of any of the security described in Section 5 of this Ordinance, pursuant to a trust agreement or similar agreement, (ii) the form of any such trust agreement or similar agreement, as provided in the Enabling Law, and (iii) such provisions in any such trust agreement or similar agreement as the Board may deem reasonable and proper for the security of the holders of the Bonds;

(c) approve the terms and conditions, including but not limited to the terms and conditions of any documents to be executed and delivered by the City (other than customary financing statements and closing certificates), under which the proceeds of the Bonds will be made available to the Borrower to finance the costs of the completion of the Project; and

(d) do any and all things necessary, proper or expedient in connection with the issuance, sale and delivery of the Bonds.

SEC. 5 *And be it further ordained*, That any and all of the Bonds shall not be general obligations of the City and shall not be a pledge of or involve the faith and credit or the taxing power of the City, and shall not constitute a debt of the City, all within the meaning of Section 7 of Article XI of the Constitution of Maryland or any other constitutional, statutory or charter provision limiting or restricting the sale or issuance of bonds, notes or other obligations of the City. All of the Bonds shall be limited obligations of the City, and shall be fully negotiable, payable, as to both principal and interest, solely from and secured solely by a pledge of (I) the revenues from or arising in connection with the Project, (II) the revenues from or arising in connection with any contracts, mortgages or other securities purchased or otherwise acquired with the proceeds of the Bonds, (III) the contracts, mortgages or other securities purchased or otherwise acquired with the proceeds of the Bonds, or (IV) any combination of (I), (II) or (III), all as the Board may approve by a resolution or resolutions adopted prior to the issuance, sale and delivery of any of the Bonds.

SEC. 6. *And be it further ordained*, That the Borrower shall agree that:

(a) it will submit any plans and specifications for the Project to the Department of Housing and Community Development for approval, and that the Department of Housing and Community Development may refuse approval of any plans and specifications for aesthetic or functional reasons; and



(b) it and its developers will work with the design advisory group appointed by the Department of Housing and Community Development in order to achieve high quality site, building, and landscape design.

SEC. 7. *And be it further ordained*, That any and all of the Bonds shall be executed in the name of the City and on its behalf by the Mayor of the City, by his manual or facsimile signature, and by the Director of Finance of the City, by his manual or facsimile signature, and the corporate seal of the City or a facsimile thereof shall be impressed or otherwise reproduced thereon and attested by the Custodian of the City Seal, by his manual signature. Any trust agreement or other documents as the Board shall deem necessary to effectuate the issuance, sale and delivery of the Bonds shall be executed in the name of the City and on its behalf by the Mayor of the City by his manual or facsimile signature, and the corporate seal of the City or a facsimile thereof shall be impressed or otherwise reproduced thereon and attested by the Custodian of the City Seal by his manual signature. In case any officer whose signature or a facsimile of whose signature shall appear on the Bonds or any of the aforesaid documents shall cease to be such officer before the delivery of the Bonds or any of the other aforesaid documents, such signature or such facsimile shall nevertheless be valid and sufficient for all purposes, the same as if such officer had remained in office until delivery. The Mayor of the City, the Director of Finance of the City, the Custodian of the City Seal and other officials of the City are hereby authorized and empowered to do all such acts and things and execute such documents and certificates as the Board may determine by resolution to be necessary to carry out and comply with the provisions hereof.

SEC. 8. *And be it further ordained*, That any and all necessary financing statements required for the consummation of the transactions authorized by this Ordinance may be executed on behalf of the City by the Mayor of the City or by the Chief, Bureau of Treasury Management of the City or by such other appropriate official of the City as may be designated by the Mayor of the City to execute such financing statements.

SEC. 9. *And be it further ordained*, That the authority to issue the Bonds is intended and shall be deemed to include the authority to issue bond anticipation notes pursuant to Section 12 of Article 31 of the Annotated Code of Maryland (1976 Replacement Volume and 1980 Cumulative Supplement), as amended (the "Bond Anticipation Note Enabling Legislation"). Reference in this Ordinance to the "Bonds" shall include such bond anticipation notes where appropriate. Prior to the issuance, sale and delivery of any series of bond anticipation notes, the Board shall adopt a resolution or resolutions, to:

(a) prescribe, among other things but not limited to, the form, terms, provisions, manner or method of issuing and selling (including negotiated as well as competitive bid sale), and the time or times of issuance, and any and all other details of such bond anticipation notes and the issuance and sale thereof;

(b) approve (i) the pledge or assignment by the City of any of the security described in Section 5 of this Ordinance, pursuant to a trust agreement or similar agreement, (ii) the form of any such trust agreement or similar agreement, as provided in the Enabling Law, and (iii) such provisions in any such trust agreement or similar agreement as the Board may deem reasonable and proper for the security of the holders of such bond anticipation notes;

(c) approve the terms and conditions, including but not limited to the terms and conditions of any documents to be executed and delivered by the City (other than customary financing statements and closing certificates), under which the proceeds of such bond anticipation notes will be made available to the Borrower to finance the costs of the completion of the Project; and

(d) do any and all things necessary, proper or expedient in connection with the issuance, sale and delivery of such bond anticipation notes.

In accordance with the Bond Anticipation Note Enabling Legislation, the City hereby covenants to pay any bond anticipation notes issued pursuant to this Section of this Ordinance and the interest thereon from the proceeds of the Bonds in anticipation of the sale of which such notes

are issued, and the City hereby further covenants to issue such Bonds, as the case may be, when, and as soon as, the reason for deferring the issuance of the Bonds no longer exists. The timely issuance of such Bonds, however, is dependent upon matters not within the control of the City, including (without limitation) the existence of a purchaser or purchasers for such Bonds at the time the reason for deferring the issuance of the Bonds no longer exists and the effectiveness of various actions taken by the Borrower, its officers, agents and employees.

SEC. 10. *And be it further ordained*, That the provisions of this Ordinance are severable, and if any provisions, sentence, clause, section or part hereof is held illegal, invalid or unconstitutional or inapplicable to any person or circumstances, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this Ordinance or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this Ordinance would have been passed if such illegal, invalid or unconstitutional provision, sentence, clause, section or part had not been included herein, and if the person or circumstances to which this Ordinance or any part hereof are inapplicable had been specifically exempted herefrom.

SEC. 11. *And be it further ordained*, That either the Bonds or bond anticipation notes issued pursuant to Section 9 of this Ordinance in anticipation of the issuance of the Bonds must be issued and sold within twelve months from the date on which this Ordinance is approved by the Mayor of the City; provided, however, that the Board, after a showing of good cause at a public hearing held before the Board prior to or after the expiration of such twelve month period, may extend the period during which either the Bonds or such bond anticipation notes may be issued and sold for one additional term not to exceed six months from the date on which the first twelve month period expired. The Board, in its sole discretion, and without action by the City Council, shall determine the sufficiency, or lack thereof, of the reasons presented for any requested extension of the twelve month period. If an extension is granted,



notice of such extension and the reasons therefor must be sent to the City Council. To the extent that neither the Bonds nor such bond anticipation notes are issued and sold within eighteen months from the date on which this Ordinance is approved by the Mayor of the City, the authority provided in this Ordinance for the City to issue and sell the Bonds and such bond anticipation notes shall expire.

SEC. 12. *And be it further ordained*, That this Ordinance shall take effect from the date of its passage.

Approved October 14, 1981.

WILLIAM DONALD SCHAEFER, *Mayor*.

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No. 433

(Council No. 804)

AN ORDINANCE concerning

INDUSTRIAL DEVELOPMENT REVENUE BONDS—  
BERLIN ENTERPRISES, INC.

FOR the purpose of supplementing and amending Ordinance No. 258 of Mayor and City Council of Baltimore, approved by the Mayor on March 17, 1981, to authorize the City to make the proceeds of the financing proposed in such ordinance available either (a) to Berlin Enterprises, Inc., an Illinois corporation, as authorized by such ordinance, or (b) to Berlin Associates, a Maryland general partnership, as set forth in this supplemental ordinance.

BY repealing and reenacting, with amendments,  
Ordinance No. 258 of Mayor and City Council of Baltimore, approved March 17, 1981

Section 3

#### RECITALS

WHEREAS, Mayor and City Council of Baltimore (the "City"), by Ordinance No. 258, approved by the Mayor

of the City on March 17, 1981 (the "Ordinance"), authorized and empowered the City to either (a) borrow from a "mortgagee" (within the meaning of the Maryland Industrial Development Financing Authority Act, as amended (the "MIDFA Act")) a sum of money not to exceed \$1,700,000, as evidenced by a Promissory Note of the City (the "Note"), in accordance with the provisions of the MIDFA Act, or (b) issue and sell, at any time or from time to time and in one or more series, as limited obligations of the City and not upon its full faith and credit, its industrial development revenue bonds, in the aggregate principal amount not to exceed \$1,700,000 (the "Bonds"), pursuant to the provisions of Subsection (50) of Article II of the Charter of Baltimore City (1964 Revision), as amended (the "Enabling Law"), and to make the proceeds of such Note or Bonds, as the case may be, available to Berlin Enterprises, Inc., an Illinois corporation (the "Borrower") for the sole and exclusive purpose of financing the costs of the acquisition by the Borrower of a certain project (the "Project"), to consist generally of the acquisition, improvement, and equipping of certain land (including the factory, offices and warehouse space existing thereon) located at 6401 Quad Avenue in Baltimore City, such Project to be leased by the Borrower to M. R. Berlin Co., Inc., an Illinois corporation doing business in Maryland as Baltimore Tin Plate, Inc. (the "Lessee"); and

WHEREAS, the Borrower and the Lessee have requested that, as an alternative to making the proceeds of such Note or Bonds available to the Borrower for financing such acquisition by the Borrower, the City authorize such financing to be accomplished by making the proceeds of such Note or Bonds available, at the option of the Lessee, to Berlin Associates, a Maryland general partnership (the "Partnership"); and

WHEREAS, in the event that the Lessee elects to have such proceeds be made available to the Partnership, the Partnership (in lieu of the Borrower) shall acquire the Project and lease the Project to the Lessee; and

WHEREAS, the City has determined that the issuance and sale of the Note or the Bonds by the City pursuant

the acquisition of such other interests in land as may be necessary or suitable for the foregoing, including roads and rights of access, utilities and other necessary site preparation facilities, to be owned by Imperial Square Associates, and leased to a corporation or other entity experienced in the management and operation of parking garages, for use as a modern parking garage facility; authorizing the Mayor of the City, on behalf of the City, to accept the letter of intent dated July 27, 1981, and the supplemental letter of intent dated October 8, 1981, both from Imperial Square Associates to the City; making certain legislative findings; authorizing and empowering the Board of Finance of the City, by a resolution or resolutions adopted prior to the issuance, sale and delivery of any series of such bonds, to (a) prescribe, among other things but not limited to, the form, terms, provisions, manner or method of issuing and selling (including negotiated as well as competitive bid sale), and the time or times of issuance, and any and all other details of such bonds, and (b) do any and all things necessary, proper or expedient in connection with the issuance and sale of such bonds; providing that Imperial Square Associates shall agree to submit any plans and specifications to, and to coordinate with, the Department of Housing and Community Development in connection with the completion of such project; providing that at least one series of such bonds (or bond anticipation notes issued in anticipation of the issuance of such bonds) must be issued and sold within six months from the date this Ordinance is approved by the Mayor, unless the Board of Finance approves one six month extension as provided in this Ordinance; authorizing the issuance of notes in anticipation of the issuance of such revenue bonds; and generally providing for and determining various matters and details in connection with the issuance and sale of such bonds and bond anticipation notes.

### RECITALS

Sub-section (50) of Article II of the Charter of Baltimore City (1964 Revision), as amended (the "Enabling Law"), empowers Mayor and City Council of Baltimore (the "City") to borrow money to finance undertakings



for the accomplishment of any of the purposes, objects and powers of the City and in connection therewith to issue bonds, notes, or other obligations (including refunding bonds, notes or other obligations), all of which shall be fully negotiable, payable, as to both principal and interest, solely from and secured solely by a pledge of (I) the revenues from or arising in connection with the property, facilities, developments and improvements whose financing is undertaken by the issuance of such bonds, notes or other obligations, (II) the revenues from or arising in connection with any contracts, mortgages or other securities purchased or otherwise acquired with the proceeds of such bonds, notes or other obligations, (III) the contracts, mortgages or other securities purchased or otherwise acquired with the proceeds of such bonds, notes or other obligations, or (IV) any combination of (I), (II) or (III). The purposes, objects and powers of the City contemplated by the Enabling Law include the relief of conditions of unemployment in Baltimore City, encouraging the increase of industry and a balanced economy in Baltimore City, promoting economic development in Baltimore City, and promoting the health, welfare and safety of the residents of Baltimore City.

The City has received a letter of intent dated July 27, 1981 (the "Letter of Intent") and a supplemental letter of intent dated October 8, 1981 (the "Supplemental Letter of Intent") both from Imperial Square Associates, a Maryland limited partnership (the "Borrower"), pursuant to which the Borrower has requested the City to participate in the financing of the costs of the completion by the Borrower of a certain project in Baltimore City, Maryland (the "Project"), by issuing and selling the City's industrial development revenue bonds in the aggregate principal amount not to exceed \$2,780,000 (the "Bonds"), and by making the proceeds of the Bonds available to the Borrower to be used by the Borrower for the sole and exclusive purpose of financing the costs of the completion of the Project by the Borrower.

The Project, which is an "undertaking" which will accomplish the purposes, objects and powers of the City

as mentioned in the Enabling Law, will consist generally of (a) the acquisition of a tract of land containing approximately 48,000 square feet, located on the northern half of Inner Harbor Project Area 1A (i.e., the south side of Lombard Street between Paca and Eutaw Streets) in Baltimore City, (b) the construction of a garage facility thereon containing parking spaces for approximately 278 cars, (c) as a second phase, the expansion of the garage facility by construction of an additional  $3\frac{1}{2}$  floors containing additional parking spaces for approximately 315 cars, (d) the acquisition and installation in such building of any or all machinery and equipment as may be necessary or useful in connection with the operation of such parking garage, and (e) the acquisition of such other interests in land as may be necessary or suitable for the foregoing, including roads and rights of access, utilities and other necessary site preparation facilities. Upon completion, the Project will be owned by the Borrower and leased to a corporation or other entity experienced in the management and operation of parking garages for use as a modern parking garage facility.

The Enabling Law provides that the City may authorize and empower the Board of Finance of the City (the "Board") by resolution to determine and set forth the form, terms, provisions, manner or method of issuing and selling (including negotiated as well as competitive bid sale), and the time or times of issuance, and any and all other details of the Bonds and the issuance and sale thereof, and to do any and all things necessary, proper or expedient in connection with the issuance and sale of the Bonds.

NOW THEREFORE, IN ACCORDANCE WITH THE ENABLING LAW:

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That acting pursuant to the Enabling Law, it is hereby found and determined as follows:

(1) The issuance and sale of the Bonds by the City pursuant to the Enabling Law in order to make the proceeds thereof available to the Borrower for the sole and

exclusive purpose of financing the costs of completion of the Project will facilitate and expedite the completion of the Project by the Borrower.

(2) The completion of the Project by the Borrower and the financing of the costs of such completion as provided in this Ordinance will serve to promote the general purposes contemplated by the Enabling Law by (a) sustaining jobs and employment in Baltimore City; (b) promoting economic development in Baltimore City; (c) encouraging the increase of industry and a balanced economy in Baltimore City; and (d) providing additional parking in the downtown area of the City.

(3) Any and all of the Bonds shall not be general obligations of the City and shall not be a pledge of or involve the faith and credit or the taxing power of the City, and shall not constitute a debt of the City, all within the meaning of Section 7 of Article XI of the Constitution of Maryland or within the meaning of any other constitutional, statutory or charter provision limiting or restricting the sale or issuance of bonds, notes or other obligations of the City. All of the Bonds shall be limited obligations of the City, and shall be fully negotiable, payable, as to both principal and interest, solely from and secured solely by a pledge of (I) the revenues from or arising in connection with the Project, (II) the revenues from or arising in connection with any contracts, mortgages or other securities purchased or otherwise acquired with the proceeds of the Bonds, (III) the contracts, mortgages or other securities purchased or otherwise acquired with the proceeds of the Bonds, or (IV) any combination of (I), (II) or (III), all as the Board may approve by a resolution or resolutions adopted prior to the issuance, sale and delivery of any of the Bonds.

SEC. 2. *And be it further ordained*, That the City is hereby authorized and empowered to issue and sell, at any time or from time to time and in one or more series, as limited obligations of the City and not upon its full faith and credit, its industrial development revenue bonds, in the aggregate principal amount not to exceed \$5,930,000, subject to the provisions of this Ordinance. The proceeds of the Bonds of each series will be made available to the



Borrower under terms and conditions approved by the Board and set forth in a Resolution, and used by the Borrower for the sole and exclusive purpose of financing the costs of the completion of the Project.

SEC. 3. *And be it further ordained*, That this Ordinance constitutes the present intent of the City to issue the Bonds, and the Mayor of the City is hereby authorized to accept the Letter of Intent, as supplemented by the Supplemental Letter of Intent, on behalf of the City in order to further evidence the present intent of the City to issue the Bonds in accordance with the terms and provisions of this Ordinance.

SEC. 4. *And be it further ordained*, That, as permitted by the Enabling Law, the Board is hereby authorized and empowered, by a resolution or resolutions adopted prior to the issuance, sale and delivery of each series of the Bonds, to:

(a) prescribe, among other things but not limited to, the form, terms, provisions, manner or method of issuing and selling (including negotiated as well as competitive bid sale), and the time or times of issuance, and any and all other details of the Bonds of such series and the issuance and sale thereof;

(b) approve (i) the pledge or assignment by the City of any of the security described in Section 5 of this Ordinance, pursuant to a trust agreement or similar agreement, (ii) the form of any such trust agreement or similar agreement, as provided in the Enabling Law, and (iii) such provisions in any such trust agreement or similar agreement as the Board may deem reasonable and proper for the security of the holders of the Bonds;

(c) approve the terms and conditions, including but not limited to the terms and conditions of any documents to be executed and delivered by the City (other than customary financing statements and closing certificates), under which the proceeds of the Bonds of such series will be made available to the Borrower to finance the costs of the completion of the Project; and

(d) do any and all things necessary, proper or expedient in connection with the issuance, sale and delivery of the Bonds of such series.

SEC. 5. *And be it further ordained*, That any and all of the Bonds shall not be general obligations of the City and shall not be a pledge of or involve the faith and credit or the taxing power of the City, and shall not constitute a debt of the City, all within the meaning of Section 7 of Article XI of the Constitution of Maryland or any other constitutional, statutory or charter provision limiting or restricting the sale or issuance of bonds, notes or other obligations of the City. All of the Bonds shall be limited obligations of the City, and shall be fully negotiable, payable, as to both principal and interest, solely from and secured solely by a pledge of (I) the revenues from or arising in connection with the Project, (II) the revenues from or arising in connection with any contracts, mortgages or other securities purchased or otherwise acquired with the proceeds of the Bonds, (III) the contracts, mortgages or other securities purchased or otherwise acquired with the proceeds of the Bonds, or (IV) any combination of (I), (II) or (III), all as the Board may approve by a resolution or resolutions adopted prior to the issuance, sale and delivery of each series of the Bonds.

SEC. 6. *And be it further ordained*, That the Borrower shall agree that:

(a) it will submit any plans and specifications for the Project to the Department of Housing and Community Development for approval, and that the Department of Housing and Community Development may refuse approval of any plans and specifications for aesthetic or functional reasons; and

(b) it and its developers will work with the design advisory group appointed by the Department of Housing and Community Development in order to achieve high quality site, building, and landscape design.

SEC. 7. *And be it further ordained*, That any and all of the Bonds shall be executed in the name of the City and on its behalf by the Mayor of the City, by his manual or

facsimile signature, and by the Director of Finance of the City, by his manual or facsimile signature, and the corporate seal of the City or a facsimile thereof shall be impressed or otherwise reproduced thereon and attested by the Custodian of the City Seal, by his manual signature. Any trust agreement or other documents as the Board shall deem necessary to effectuate the issuance, sale and delivery of the Bonds shall be executed in the name of the City and on its behalf by the Mayor of the City by his manual or facsimile signature, and the corporate seal of the City or a facsimile thereof shall be impressed or otherwise reproduced thereon and attested by the Custodian of the City Seal by his manual signature. In case any officer whose signature or a facsimile of whose signature shall appear on the Bonds or any of the aforesaid documents shall cease to be such officer before the delivery of the Bonds or any of the other aforesaid documents, such signature or such facsimile shall nevertheless be valid and sufficient for all purposes, the same as if such officer had remained in office until delivery. The Mayor of the City, the Director of Finance of the City, the Custodian of the City Seal and other officials of the City are hereby authorized and empowered to do all such acts and things and execute such documents and certificates as the Board may determine by resolution to be necessary to carry out and comply with the provisions hereof.

SEC. 8. *And be it further ordained*, That any and all necessary financing statements required for the consummation of the transactions authorized by this Ordinance may be executed on behalf of the City by the Mayor of the City or by the Chief, Bureau of Treasury Management of the City or by such other appropriate official of the City as may be designated by the Mayor of the City to execute such financing statements.

SEC. 9. *And be it further ordained*, That the authority to issue the Bonds is intended and shall be deemed to include the authority to issue bond anticipation notes pursuant to Section 12 of Article 31 of the Annotated Code of Maryland (1976 Replacement Volume and 1980 Cumulative Supplement), as amended (the "Bond Anticipation Note Enabling Legislation"). Reference in this Ordinance



to the "Bonds" shall include such bond anticipation notes where appropriate. Prior to the issuance, sale and delivery of any series of bond anticipation notes, the Board shall adopt a resolution or resolutions, to:

(a) prescribe, among other things but not limited to, the form, terms, provisions, manner or method of issuing and selling (including negotiated as well as competitive bid sale), and the time or times of issuance, and any and all other details of such bond anticipation notes and the issuance and sale thereof;

(b) approve (i) the pledge or assignment by the City of any of the security described in Section 5 of this Ordinance, pursuant to a trust agreement or similar agreement, (ii) the form of any such trust agreement or similar agreement, as provided in the Enabling Law, and (iii) such provisions in any such trust agreement or similar agreement as the Board may deem reasonable and proper for the security of the holders of such bond anticipation notes;

(c) approve the terms and conditions, including but not limited to the terms and conditions of any documents to be executed and delivered by the City (other than customary financing statements and closing certificates), under which the proceeds of such bond anticipation notes will be made available to the Borrower to finance the costs of the completion of the Project; and

(d) do any and all things necessary, proper or expedient in connection with the issuance, sale and delivery of such bond anticipation notes.

In accordance with the Bond Anticipation Note Enabling Legislation, the City hereby covenants to pay any bond anticipation notes issued pursuant to this Section of this Ordinance and the interest thereon from the proceeds of the Bonds in anticipation of the sale of which such notes are issued, and the City hereby further covenants to issue such Bonds, as the case may be, when, and as soon as, the reason for deferring the issuance of the Bonds no longer exists. The timely issuance of such Bonds, however, is dependent upon matters not within the control of the City, including (without limitation) the existence of

a purchaser or purchasers for such Bonds at the time the reason for deferring the issuance of the Bonds no longer exists and the effectiveness of various actions taken by the Borrower, its officers, agents and employees.

SEC. 10. *And be it further ordained*, That the provisions of this Ordinance are severable, and if any provision, sentence, clause, section or part hereof is held illegal, invalid or unconstitutional or inapplicable to any person or circumstances, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this Ordinance or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this Ordinance would have been passed if such illegal, invalid or unconstitutional provision, sentence, clause, section or part had not been included herein, and if the person or circumstances to which this Ordinance or any part hereof are inapplicable had been specifically exempted herefrom.

SEC. 11. *And be it further ordained*, That at least one series of either the Bonds or bond anticipation notes issued pursuant to Section 9 of this Ordinance in anticipation of the issuance of the Bonds must be issued and sold within six months from the date on which this Ordinance is approved by the Mayor of the City; provided, however, that the Board, after a showing of good cause at a public hearing held before the Board prior to or after the expiration of such six month period, may extend the period during which at least one series of either the Bonds or such bond anticipation notes may be issued and sold for one additional term not to exceed six months from the date on which the first six month period expired. The Board, in its sole discretion, and without action by the City Council, shall determine the sufficiency, or lack thereof, of the reasons presented for any requested extension of the six month period. If an extension is granted, notice of such extension and the reasons therefor must be sent to the City Council. To the extent that at least one series of the Bonds or such bond anticipation notes are not issued and sold within twelve months from the date on which this Ordi-

nance is approved by the Mayor of the City, the authority provided in this Ordinance for the City to issue and sell the Bonds and such bond anticipation notes shall expire.

SEC. 12. *And be it further ordained*, That this Ordinance shall take effect from the date of its passage.

Approved October 14, 1981.

WILLIAM DONALD SCHAEFER, *Mayor*.

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No. 435

(Council No. 806)

AN ORDINANCE concerning

INDUSTRIAL DEVELOPMENT REVENUE BONDS—  
ORLEANS SQUARE ASSOCIATES

FOR the purpose of supplementing and amending Ordinance No. 158 of Mayor and City Council of Baltimore, approved by the Mayor on October 7, 1980, to extend from six months to 24 months the authorization for the City to issue, sell and deliver the industrial development revenue bonds authorized by Ordinance No. 158 and to be designated "Baltimore City, Maryland Industrial Development Revenue Bonds (Orleans Square Associates Project)".

BY repealing and reenacting, with amendments, Section 17 of Ordinance No. 158 of Mayor and City Council of Baltimore, approved October 7, 1980.

#### RECITALS

WHEREAS, Mayor and City Council of Baltimore (the "City"), by Ordinance No. 158, approved by the Mayor of the City on October 7, 1980 (the "Ordinance"), authorized and empowered the City to issue, sell and deliver, at any time or from time to time and in one or more series, as limited obligations of the City and not upon its full faith and credit, its Baltimore City,



Maryland Industrial Development Revenue Bonds (Orleans Square Associates Project), in the aggregate principal amount not to exceed \$1,000,000 (the "Bonds"), subject to the provisions of the Ordinance, and to lend the proceeds thereof to Orleans Square Associates, a Maryland partnership (the "Borrower"), for the sole and exclusive purpose of financing the costs, charges, fees and expenses in connection with (a) the acquisition of certain real property located in Baltimore City, together with all existing improvements located thereon, and (b) the renovation, rehabilitation, construction and reconstruction by the Borrower of such existing improvements, which will be owned and operated by Orleans Square Associates as a multi-use commercial complex (the "Project"); and

WHEREAS, the City has been advised by the Borrower that the Borrower, acting in reliance upon the Ordinance and in anticipation of the consummation of the financing authorized therein, has applied for an Urban Development Action Grant (UDAG), which has been approved by the U. S. Department of Housing and Urban Development (HUD), but that certain amendments must be made and approved by the Department of Housing and Community Development (HCD) and HUD; due to the change in administration in Washington, such approval by HUD has been delayed; and

WHEREAS, the Borrower has informed the City that the approval by HUD and HCD should be made within 30 days and that, should the authorization to issue the Bonds be extended, the Borrower intends to proceed with the financing and the completion of the Project through the loan of the proceeds of the Bonds as authorized by the Ordinance, and, therefore, the Borrower has requested an extension from six months to 24 months of the authorization provided in the Ordinance for the City to issue and sell the Bonds; and

WHEREAS, the City has determined that the issuance and sale of the Bonds by the City pursuant to Subsection (50) of Article II of the Charter of Baltimore City (1964 Revision), as amended (the "Enabling Law"), and the completion of the Project and the financing

thereof, as provided in the Ordinance, will promote the declared legislative purposes of the Enabling Law and are in the best interests of the citizens of Baltimore City, Maryland, and that in order to accomplish the public purposes of the Enabling Law and the Ordinance, it is in the best interest of the citizens of Baltimore City, Maryland to extend from six months to 24 months the authorization to issue the Bonds pursuant to the Ordinance.

**NOW, THEREFORE, IN ACCORDANCE WITH  
THE ENABLING LAW:**

**SECTION 1.** *Be it ordained by Mayor and City Council of Baltimore,* That Section 17 of the Ordinance is hereby repealed, amended, and reenacted as follows:

**SEC. 17.** *And be it further ordained,* That, if the Bonds are not issued and sold within **[six]** *twenty-four* months from the date on which this Ordinance is approved by the Mayor of the City, the authorization provided in this Ordinance for the City to issue and sell the Bonds shall expire; provided, however, that the Board may, after a showing of good cause at a public hearing held before the Board, extend such authorization for one additional term not to exceed six months. The Board, in its sole discretion, shall determine the sufficiency, or lack thereof, of the reasons presented for any requested extension of this Ordinance. If an extension is granted, notice of such extension and the reasons therefor must be sent to the City Council.

**SEC. 2.** *And be it further ordained,* That this supplemental ordinance shall take effect from the date of its passage.

Approved October 14, 1981.

**WILLIAM DONALD SCHAEFER, Mayor.**

## No. 436

(Council No. 807)

## AN ORDINANCE concerning

SILVER SEA SALES CO., INC., PROJECT  
1981 SERIES

FOR the purpose of authorizing and empowering Mayor and City Council of Baltimore to issue and sell, at any time and in one or more series, as limited obligations of the City and not upon its full faith and credit, its industrial development revenue bonds, in the aggregate principal amount not to exceed \$750,000, pursuant to the provisions of Sub-section (50) of Article II of the Charter of Baltimore City (1964 Revision), as amended, for the sole and exclusive purpose of financing the costs of the acquisition by Silver Sea Sales Co., Inc., a Maryland corporation, of a certain project in Baltimore City, consisting of the purchase of certain existing real property and improvements located at 810 South Caton Avenue, Baltimore, Maryland, 21229, and the purchase and installation of certain machinery, equipment and leasehold improvements therein, to be owned by Silver Sea Sales Co., Inc., for use as a facility for importing, purchasing and distributing seafood and food products to retail food chains and food service distributors in the Baltimore-Washington area; authorizing the Mayor of the City, on behalf of the City, to accept the letter of intent dated July 25, 1981 from Silver Sea Sales Co., Inc. to the City; making certain legislative findings; authorizing and empowering the Board of Finance of the City, by a resolution or resolutions adopted prior to the issuance, sale and delivery of any series of such bonds, to (a) prescribe, among other things but not limited to, the form, terms, provisions, manner or method of issuing and selling (including negotiated as well as competitive bid sale), and the time or times of issuance, and any and all other details of such bonds, and (b) do any and all things necessary, proper or expedient in connection with the issuance and sale of such bonds; providing that Silver Sea Sales Co., Inc. shall agree to submit construction plans and specifications, if there



are any, to, and to coordinate with, the Department of Housing and Community Development in connection with the completion of such project; providing that such bonds (or bond anticipation notes issued in anticipation of the issuance of such bonds) must be issued and sold within six months from the date this Ordinance is approved by the Mayor, unless the Board of Finance approves one six-month extension as provided in this Ordinance; authorizing the issuance of notes in anticipation of the issuance of such revenue bond; and generally providing for and determining various matters and details in connection with the issuance and sale of such bonds and bond anticipation notes.

### RECITALS

Sub-section (50) of Article II of the Charter of Baltimore City (1964 Revision), as amended (the "Enabling Law"), empowers Mayor and City Council of Baltimore (the "City") to borrow money to finance undertakings for the accomplishment of any of the purposes, objects and powers of the City and in connection therewith to issue bonds, notes, or other obligations (including refunding bonds, notes or other obligations), all of which shall be fully negotiable, payable, as to both principal and interest, solely from and secured solely by a pledge of (I) the revenues from or arising in connection with the property, facilities, developments and improvements whose financing is undertaken by the issuance of such bonds, notes or other obligations, (II) the revenues from or arising in connection with any contracts, mortgages or other securities purchased or otherwise acquired with the proceeds of such bonds, notes or other obligations, (III) the contracts, mortgages or other securities purchased or otherwise acquired with the proceeds of such bonds, notes or other obligations, or (IV) any combination of (I), (II) or (III). The purposes, objects and powers of the City contemplated by the Enabling Law include the relief of conditions of unemployment in Baltimore City, encouraging the increase of industry and a balanced economy in Baltimore City, promoting economic development in Baltimore City, and promoting the health, welfare and safety of the residents of Baltimore City.

The City has received a letter of intent dated July 25, 1981 (the "Letter of Intent") from Silver Sea Sales Co., Inc., a Maryland corporation (the "Borrower"), pursuant to which the Borrower has requested the City to participate in the financing of the costs of the acquisition by the Borrower of a certain project in Baltimore City, Maryland (the "Project"), by issuing and selling the City's industrial development revenue bonds in the aggregate principal amount not to exceed \$750,000 (the "Bonds"), and by making the proceeds of the Bonds available to the Borrower to be used by the Borrower for the sole and exclusive purpose of financing the costs of the acquisition of the Project by the Borrower.

The Project, which is an "undertaking" which will accomplish the purposes, objects and powers of the City as mentioned in the Enabling Law, will consist generally of (a) the acquisition of 1.004 acres of land, more or less, improved by a one story, steel frame, masonry exterior building known as 810 South Caton Avenue, Baltimore, Maryland 21229, including certain leasehold improvements, machinery and equipment, (b) the transfer and relocation of certain machinery and equipment to the aforesaid building and (c) the acquisition and installation of such additional machinery, equipment and leasehold improvements as may be necessary or useful in connection with the operation thereof. Upon completion, the Project will be owned by the Borrower for use as a facility for importing, purchasing and distributing seafood and food products.

The Enabling Law provides that the City may authorize and empower the Board of Finance of the City (the "Board") by resolution to determine and set forth the form, terms, provisions, manner or method of issuing and selling (including negotiated as well as competitive bid sale), and the time or times of issuance, and any and all other details of the Bonds and the issuance and sale thereof, and to do any and all things necessary, proper or expedient in connection with the issuance and sale of the Bonds.

**NOW THEREFORE, IN ACCORDANCE WITH THE ENABLING LAW:**

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That acting pursuant to the Enabling Law, it is hereby found and determined as follows:

(1) The issuance and sale of the Bonds by the City pursuant to the Enabling Law in order to make the proceeds thereof available to the Borrower for the sole and exclusive purpose of financing the costs of acquisition of the Project will facilitate and expedite the acquisition of the Project by the Borrower.

(2) The acquisition of the Project by the Borrower and the financing of the costs of such acquisition as provided in this Ordinance will serve to promote the general purposes contemplated by the Enabling Law by (a) sustaining jobs and employment in Baltimore City; (b) promoting economic development in Baltimore City; and (c) encouraging the increase of industry and a balanced economy in Baltimore City.

(3) Any and all of the Bonds shall not be general obligations of the City and shall not be a pledge of or involve the faith and credit or the taxing power of the City, and shall not constitute a debt of the City, all within the meaning of Section 7 of Article XI of the Constitution of Maryland or within the meaning of any other constitutional, statutory or charter provision limiting or restricting the sale or issuance of bonds, notes or other obligations of the City. All of the Bonds shall be limited obligations of the City, and shall be fully negotiable, payable, as to both principal and interest, solely from and secured solely by a pledge of (I) the revenues from or arising in connection with the Project, (II) the revenues from or arising in connection with any contracts, mortgages or other securities purchased or otherwise acquired with the proceeds of the Bonds, (III) the contracts, mortgages or other securities purchased or otherwise acquired with the proceeds of the Bonds, or (IV) any combination of (I), (II) or (III), all as the Board may approve by a resolution or resolutions adopted prior to the issuance, sale and delivery of any of the Bonds.

SEC. 2. *And be it further ordained*, That the City is hereby authorized and empowered to issue and sell, at any



time or from time to time and in one or more series, as limited obligations of the City and not upon its full faith and credit, its industrial development revenue bonds, in the aggregate principal amount not to exceed \$750,000, subject to the provisions of this Ordinance. The proceeds of the Bonds will be made available to the Borrower under terms and conditions approved by the Board and set forth in a Resolution, and used by the Borrower for the sole and exclusive purpose of financing the costs of the acquisition of the Project.

SEC. 3. *And be it further ordained*, That this Ordinance constitutes the present intent of the City to issue the Bonds, and the Mayor of the City is hereby authorized to accept the Letter of Intent on behalf of the City in order to further evidence the present intent of the City to issue the Bonds in accordance with the terms and provisions of this Ordinance.

SEC. 4. *And be it further ordained*, That, as permitted by the Enabling Law, the Board is hereby authorized and empowered, by a resolution or resolutions adopted prior to the issuance, sale and delivery of any of the Bonds, to:

(a) prescribe, among other things but not limited to, the form, terms, provisions, manner or method of issuing and selling (including negotiated as well as competitive bid sale), and the time or times of issuance, and any and all other details of the Bonds and the issuance and sale thereof;

(b) approve (i) the pledge or assignment by the City of any of the security described in Section 5 of this Ordinance, pursuant to a trust agreement or similar agreement, (ii) the form of any such trust agreement or similar agreement, as provided in the Enabling Law, and (iii) such provisions in any such trust agreement or similar agreement as the Board may deem reasonable and proper for the security of the holders of the Bonds;

(c) approve the terms and conditions, including but not limited to the terms and conditions of any documents to be executed and delivered by the City (other than customary financing statements and closing certificates), under

which the proceeds of the Bonds will be made available to the Borrower to finance the costs of the acquisition of the Project; and

(d) do any and all things necessary, proper or expedient in connection with the issuance, sale and delivery of the Bonds.

SEC. 5. *And be it further ordained*, That any and all of the Bonds shall not be general obligations of the City and shall not be a pledge of or involve the faith and credit or the taxing power of the City, and shall not constitute a debt of the City, all within the meaning of Section 7 of Article XI of the Constitution of Maryland or any other constitutional, statutory or charter provision limiting or restricting the sale or issuance of bonds, notes or other obligations of the City. All of the Bonds shall be limited obligations of the City, and shall be fully negotiable, payable, as to both principal and interest, solely from and secured solely by a pledge of (I) the revenues from or arising in connection with the Project, (II) the revenues from or arising in connection with any contracts, mortgages or other securities purchased or otherwise acquired with the proceeds of the Bonds, (III) the contracts, mortgages or other securities purchased or otherwise acquired with the proceeds of the Bonds, or (IV) any combination of (I), (II) or (III), all as the Board may approve by a resolution or resolutions adopted prior to the issuance, sale and delivery of any of the Bonds.

SEC. 6. *And be it further ordained*, That the Borrower shall agree that:

(a) it will submit construction plans and specifications for the Project, if there are any, to the Department of Housing and Community Development for approval, and that the Department of Housing and Community Development may refuse approval of any plans and specifications for aesthetic or functional reasons; and

(b) it and its developers will work with the design advisory group appointed by the Department of Housing and Community Development in order to achieve high quality site, building and landscape design.

SEC. 7. *And be it further ordained,* That any and all of the Bonds shall be executed in the name of the City and on its behalf by the Mayor of the City, by his manual or facsimile signature, and by the Director of Finance of the City, by his manual or facsimile signature, and the corporate seal of the City or a facsimile thereof shall be impressed or otherwise reproduced thereon and attested by the Custodian or Alternate Custodian of the City Seal, by his/her manual signature. Any trust agreement or other documents as the Board shall deem necessary to effectuate the issuance, sale and delivery of the Bonds shall be executed in the name of the City and on its behalf by the Mayor of the City by his manual or facsimile signature, and the corporate seal of the City or a facsimile thereof attested by the Custodian or Alternate Custodian of the City Seal by his/her manual signature. In case any officer whose signature or a facsimile of whose signature shall appear on the Bonds or any of the aforesaid documents shall cease to be such officer before the delivery of the Bonds or any of the other aforesaid documents, such signatures or such facsimile shall nevertheless be valid and sufficient for all purposes, the same as if such officer had remained in office until delivery. The Mayor of the City, the Director of Finance of the City, the Custodian and the Alternate Custodian of the City Seal and other officials of the City are hereby authorized and empowered to do all such acts and things and execute such documents and certificates as the Board may determine by resolution to be necessary to carry out and comply with the provisions hereof.

SEC. 8. *And be it further ordained,* That any and all necessary financing statements required for the consummation of the transactions authorized by this Ordinance may be executed on behalf of the City by the Mayor of the City or by the Chief, Bureau of Treasury Management of the City or by such other appropriate official of the City as may be designated by the Mayor of the City to execute such financing statements.

SEC. 9. *And be it further ordained,* That the authority to issue the Bonds is intended and shall be deemed to in-



clude the authority to issue bond anticipation notes pursuant to Section 12 of Article 31 of the Annotated Code of Maryland (1976 Replacement Volume and 1980 Cumulative Supplement), as amended (the "Bond Anticipation Note Enabling Legislation"). Reference in this Ordinance to the "Bonds" shall include such bond anticipation notes where appropriate. Prior to the issuance, sale and delivery of any series of bond anticipation notes, the Board shall adopt a resolution or resolutions, to:

(a) prescribe, among other things but not limited to, the form, terms, provisions, manner or method of issuing and selling (including negotiated as well as competitive bid sale), and the time or times of issuance, and any and all other details of such bond anticipation notes and the issuance and sale thereof;

(b) approve (i) the pledge or assignment by the City of any of the security described in Section 5 of this Ordinance, pursuant to a trust agreement or similar agreement, (ii) the form of any such trust agreement or similar agreement, as provided in the Enabling Law, and (iii) such provisions in any such trust agreement or similar agreement as the Board may deem reasonable and proper for the security of the holders of such bond anticipation notes;

(c) approve the terms and conditions, including but not limited to the terms and conditions of any documents to be executed and delivered by the City (other than customary financing statements and closing certificates), under which the proceeds of such bond anticipation notes will be made available to the Borrower to finance the costs of the acquisition of the Project; and

(d) do any and all things necessary, proper or expedient in connection with the issuance, sale and delivery of such bond anticipation notes.

In accordance with the Bond Anticipation Note Enabling Legislation, the City hereby covenants to pay any bond anticipation notes issued pursuant to this Section of this Ordinance and the interest thereon from the proceeds of the Bonds in anticipation of the sale of which such notes are issued, and the City hereby further covenants to issue such Bonds, as the case may be, when, and as soon as,

the reason for deferring the issuance of the Bonds no longer exists. The timely issuance of such Bonds, however, is dependent upon matters not within the control of the City, including (without limitation) the existence of a purchaser or purchasers for such Bonds at the time the reason for deferring the issuance of the Bonds no longer exists and the effectiveness of various actions taken by the Borrower, its officers, agents and employees.

SEC. 10. *And be it further ordained,* That the provisions of this Ordinance are severable, and if any provision, sentence, clause, section or part hereof is held illegal, invalid or unconstitutional or inapplicable to any person or circumstances, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this Ordinance or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this Ordinance would have been passed if such illegal, invalid or unconstitutional provision, sentence, clause, section or part had not been included herein, and if the person or circumstances to which this Ordinance or any part hereof are inapplicable had been specifically exempted herefrom.

SEC. 11. *And be it further ordained,* That either the Bonds or bond anticipation notes issued pursuant to Section 9 of this Ordinance in anticipation of the issuance of the Bonds must be issued and sold within six months from the date on which this Ordinance is approved by the Mayor of the City; provided, however, that the Board, after a showing of good cause at a public hearing held before the Board prior to or after the expiration of such six month period, may extend the period during which either the Bonds, or such bond anticipation notes may be issued and sold for one additional term not to exceed six months from the date on which the first six-month period expired. The Board, in its sole discretion, and without action by the City Council, shall determine the sufficiency, or lack thereof, of the reasons presented for any requested extension of the six-month period. If an extension is granted, notice of such extension and the reasons therefor must be sent to the City Council. To the extent that neither

the Bonds nor such bond anticipation notes are issued and sold within twelve months from the date on which this Ordinance is approved by the Mayor of the City, the authority provided in this Ordinance for the City to issue and sell the Bonds and such bond anticipation notes shall expire.

SEC. 12. *And be it further ordained*, That this Ordinance shall take effect from the date of its passage.

Approved October 14, 1981.

WILLIAM DONALD SCHAEFER, *Mayor*.

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No. 437

(Council No. 808)

AN ORDINANCE concerning

INDUSTRIAL DEVELOPMENT REVENUE BONDS—  
(WBH REALTY COMPANY PROJECT)

FOR the purpose of authorizing and empowering Mayor and City Council of Baltimore to issue and sell, at any time or from time to time and in one or more series, as limited obligations of the City and not upon its full faith and credit, its industrial development revenue bonds, in the aggregate principal amount not to exceed \$1,200,000, pursuant to the provisions of Sub-section (50) of Article II of the Charter of Baltimore City (1964 Revision), as amended, for the sole and exclusive purpose of financing the costs of the completion by WBH Realty Company, a Maryland general partnership, of a certain project in Baltimore City consisting of the acquisition of the real property located at 1400 East North Avenue in Baltimore City, the renovation of certain improvements thereon, and the purchase and installation of certain machinery and equipment therein, to be owned by WBH Realty Company, and leased to (a) Beckenheimer's, Inc., t/a Brown's Supermarkets, a Maryland corporation, for use as a modern food supermarket and (b) to various other tenants whose iden-



tities are unknown at this time for use as business offices and retail stores; authorizing the Mayor of the City, on behalf of the City, to accept the letter of intent dated September 8, 1981 from WBH Realty Company to the City; making certain legislative findings; authorizing and empowering the Board of Finance of the City, by a resolution or resolutions adopted prior to the issuance, sale and delivery of any series of such bonds, to (a) prescribe, among other things but not limited to, the form, terms, provisions, manner or method of issuing and selling (including negotiated as well as competitive bid sale), and the time or times of issuance, and any and all other details of such bonds, and (b) do any and all things necessary, proper or expedient in connection with the issuance and sale of such bonds; providing that WBH Realty Company shall agree to submit any plans and specifications to, and to coordinate with, the Department of Housing and Community Development in connection with the completion of such project; providing that such bonds (or bond anticipation notes issued in anticipation of the issuance of such bonds) must be issued and sold within six months from the date this Ordinance is approved by the Mayor, unless the Board of Finance approves one six month extension as provided in this Ordinance; authorizing the issuance of notes in anticipation of the issuance of such revenue bonds; and generally providing for and determining various matters and details in connection with the issuance and sale of such bonds and bond anticipation notes.

### RECITALS

Sub-section (50) of Article II of the Charter of Baltimore City (1964 Revision), as amended (the "Enabling Law"), empowers Mayor and City Council of Baltimore (the "City") to borrow money to finance undertakings for the accomplishment of any of the purposes, objects and powers of the City and in connection therewith to issue bonds, notes, or other obligations (including refunding bonds, notes or other obligations), all of which shall be fully negotiable, payable, as to both principal and interest, solely from and secured solely by a pledge of (I) the revenues from or arising

in connection with the property, facilities, developments and improvements whose financing is undertaken by the issuance of such bonds, notes or other obligations, (II) the revenues from or arising in connection with any contracts, mortgages or other securities purchased or otherwise acquired with the proceeds of such bonds, notes or other obligations, (III) the contracts, mortgages or other securities purchased or otherwise acquired with the proceeds of such bonds, notes or other obligations, or (IV) any combination of (I), (II) or (III). The purposes, objects and powers of the City contemplated by the Enabling Law include the relief of conditions of unemployment in Baltimore City, encouraging the increase of industry and a balanced economy in Baltimore City, promoting economic development in Baltimore City, and promoting the health, welfare and safety of the residents of Baltimore City.

The City has received a letter of intent dated September 8, 1981 (the "Letter of Intent") from WBH Realty Company, a Maryland general partnership (the "Borrower"), pursuant to which the Borrower has requested the City to participate in the financing of the costs of the completion by the Borrower of a certain project in Baltimore City, Maryland (the "Project"), by issuing and selling the City's industrial development revenue bonds in the aggregate principal amount not to exceed \$1,200,000 (the "Bonds"), and by making the proceeds of the Bonds available to the Borrower to be used by the Borrower for the sole and exclusive purpose of financing the costs of the completion of the Project by the Borrower.

The Project, which is an "undertaking" which will accomplish the purposes, objects and powers of the City as mentioned in the Enabling Law, will consist generally of (a) the acquisition of a tract of land located at 1400 East North Avenue in Baltimore City, (b) the renovation of the existing improvements thereon, and (c) the acquisition and installation in such improvements of any or all machinery and equipment as may be necessary or useful in connection with the operation thereof. Upon completion, the Project will be owned by the Borrower and leased to (a) Beckenheimer's, Inc., t/a Brown's

Supermarkets, a Maryland corporation for use as a modern food supermarket and (b) to various other tenants whose identities are unknown at this time for use as business offices and retail stores.

The Enabling Law provides that the City may authorize and empower the Board of Finance of the City (the "Board") by resolution to determine and set forth the form, terms, provisions, manner or method of issuing and selling (including negotiated as well as competitive bid sale), and the time or times of issuance, and any and all other details of the Bonds and the issuance and sale thereof, and to do any and all things necessary proper or expedient in connection with the issuance and sale of the Bonds.

**NOW THEREFORE, IN ACCORDANCE WITH THE ENABLING LAW:**

*SECTION 1. Be it ordained by the Mayor and City Council of Baltimore, That acting pursuant to the Enabling Law, it is hereby found and determined as follows:*

(1) The issuance and sale of the Bonds by the City pursuant to the Enabling Law in order to make the proceeds thereof available to the Borrower for the sole and exclusive purpose of financing the costs of completion of the Project will facilitate and expedite the completion of the Project by the Borrower.

(2) The completion of the Project by the Borrower and the financing of the costs of such completion as provided in this Ordinance will serve to promote the general purposes contemplated by the Enabling Law by (among other things) (a) sustaining jobs and employment in Baltimore City; (b) promoting economic development in Baltimore City; (c) encouraging the increase of industry and a balanced economy in Baltimore City; and (d) assisting in the retention of an existing company in Baltimore City.

(3) Any and all of the Bonds shall not be general obligations of the City and shall not be a pledge of or involve the faith and credit or the taxing power of the City, and shall not constitute a debt of the City, all within the meaning of Section 7 of Article XI of the Constitution of



Maryland or within the meaning of any other constitutional, statutory or charter provision limiting or restricting the sale or issuance of bonds, notes or other obligations of the City. All of the Bonds shall be limited obligations of the City, and shall be fully negotiable, payable, as to both principal and interest, solely from and secured solely by a pledge of (I) the revenues from or arising in connection with the Project, (II) the revenues from or arising in connection with any contracts, mortgages or other securities purchased or otherwise acquired with the proceeds of the Bonds, (III) the contracts, mortgages or other securities purchased or otherwise acquired with the proceeds of the Bonds, or (IV) any combination of (I), (II) or (III), all as the Board may approve by a resolution or resolutions adopted prior to the issuance, sale and delivery of any of the Bonds.

SEC. 2. *And be it further ordained*, That the City is hereby authorized and empowered to issue and sell, at any time or from time to time and in one or more series, as limited obligations of the City and not upon its full faith and credit, its industrial development revenue bonds, in the aggregate principal amount not to exceed \$1,200,000, subject to the provisions of this Ordinance. The proceeds of the Bonds will be made available to the Borrower under terms and conditions approved by the Board and set forth in a Resolution, and used by the Borrower for the sole and exclusive purpose of financing the costs of the completion of the Project.

SEC. 3. *And be it further ordained*, That this Ordinance constitutes the present intent of the City to issue the Bonds, and the Mayor of the City is hereby authorized to accept the Letter of Intent on behalf of the City in order to further evidence the present intent of the City to issue the Bonds in accordance with the terms and provisions of this Ordinance.

SEC. 4. *And be it further ordained*, That, as permitted by the Enabling Law, the Board is hereby authorized and empowered, by a resolution or resolutions adopted prior to the issuance, sale and delivery of any of the Bonds, to:

(a) prescribe, among other things but not limited to, the form, terms, provisions, manner or method of issuing and selling (including negotiated as well as competitive bid sale), and the time or times of issuance, and any and all other details of the Bonds and the issuance and sale thereof;

(b) approve (i) the pledge or assignment by the City of any of the security described in Section 5 of this Ordinance, pursuant to a trust agreement or similar agreement, (ii) the form of any such trust agreement or similar agreement, as provided in the Enabling Law, and (iii) such provisions in any such trust agreement or similar agreement as the Board may deem reasonable and proper for the security of the holders of the Bonds;

(c) approve the terms and conditions, including but not limited to the terms and conditions of any documents to be executed and delivered by the City (other than customary financing statements and closing certificates), under which the proceeds of the Bonds will be made available to the Borrower to finance the costs of the completion of the Project; and

(d) do any and all things necessary, proper or expedient in connection with the issuance, sale and delivery of the Bonds.

SEC. 5. *And be it further ordained*, That any and all of the Bonds shall not be general obligations of the City and shall not be a pledge of or involve the faith and credit or the taxing power of the City, and shall not constitute a debt of the City, all within the meaning of Section 7 of Article XI of the Constitution of Maryland or any other constitutional, statutory or charter provision limiting or restricting the sale or issuance of bonds, notes or other obligations of the City. All of the Bonds shall be limited obligations of the City, and shall be fully negotiable, payable, as to both principal and interest, solely from and secured solely by a pledge of (I) the revenues from or arising in connection with the Project, (II) the revenues from or arising in connection with any contracts, mortgages or other securities purchased or otherwise acquired with the proceeds of the Bonds, (III) the contracts, mort-

gages or other securities purchased or otherwise acquired with the proceeds of the Bonds, or (IV) any combination of (I), (II) or (III), all as the Board may approve by a resolution or resolutions adopted prior to the issuance, sale and delivery of any of the Bonds.

SEC. 6. *And be it further ordained*, That the Borrower shall agree that:

(a) it will submit any plans and specifications for the Project to the Department of Housing and Community Development for approval, and that the Department of Housing and Community Development may refuse approval of any plans and specifications for aesthetic or functional reasons; and

(b) it and its developers will work with the design advisory group appointed by the Department of Housing and Community Development in order to achieve high quality site, building, and landscape design.

SEC. 7. *And be it further ordained*, That any and all of the Bonds shall be executed in the name of the City and on its behalf by the Mayor of the City, by his manual or facsimile signature, and by the Director of Finance of the City, by his manual or facsimile signature, and the corporate seal of the City or a facsimile thereof shall be impressed or otherwise reproduced thereon and attested by the Custodian of the City Seal, by his manual signature. Any trust agreement or other documents as the Board shall deem necessary to effectuate the issuance, sale and delivery of the Bonds shall be executed in the name of the City and on its behalf by the Mayor of the City by his manual or facsimile signature, and the corporate seal of the City or a facsimile thereof shall be impressed or otherwise reproduced thereon and attested by the Custodian of the City Seal by his manual signature. In case any officer whose signature or a facsimile of whose signature shall appear on the Bonds or any of the aforesaid documents shall cease to be such officer before the delivery of the Bonds or any of the other aforesaid documents, such signature or such facsimile shall nevertheless be valid and sufficient for all purposes, the same as if such officer had remained in office until delivery. The Mayor of the



City, the Director of Finance of the City, the Custodian of the City Seal and other officials of the City are hereby authorized and empowered to do all such acts and things and execute such documents and certificates as the Board may determine by resolution to be necessary to carry out and comply with the provisions hereof.

SEC. 8. *And be it further ordained*, That any and all necessary financing statements required for the consummation of the transactions authorized by this Ordinance may be executed on behalf of the City by the Mayor of the City or by the Chief, Bureau of Treasury Management of the City or by such other appropriate official of the City as may be designated by the Mayor of the City to execute such financing statements.

SEC. 9. *And be it further ordained*, That the authority to issue the Bonds is intended and shall be deemed to include the authority to issue bond anticipation notes pursuant to Section 12 of Article 31 of the Annotated Code of Maryland (1976 Replacement Volume and 1980 Cumulative Supplement), as amended (the "Bond Anticipation Note Enabling Legislation"). Reference in this Ordinance to the "Bonds" shall include such bond anticipation notes where appropriate. Prior to the issuance, sale and delivery of any series of bond anticipation notes, the Board shall adopt a resolution or resolutions, to:

(a) prescribe, among other things but not limited to, the form, terms, provisions, manner or method of issuing and selling (including negotiated as well as competitive bid sale), and the time or times of issuance, and any and all other details of such bond anticipation notes and the issuance and sale thereof;

(b) approve (i) the pledge or assignment by the City of any of the security described in Section 5 of this Ordinance, pursuant to a trust agreement or similar agreement, (ii) the form of any such trust agreement or similar agreement, as provided in the Enabling Law, and (iii) such provisions in any such trust agreement or similar agreement as the Board may deem reasonable and proper for the security of the holders of such bond anticipation notes;

(c) approve the terms and conditions, including but not limited to the terms and conditions of any documents to be executed and delivered by the City (other than customary financing statements and closing certificates), under which the proceeds of such bond anticipation notes will be made available to the Borrower to finance the costs of the completion of the Project; and

(d) do any and all things necessary, proper or expedient in connection with the issuance, sale and delivery of such bond anticipation notes.

In accordance with the Bond Anticipation Note Enabling Legislation, the City hereby covenants to pay any bond anticipation notes issued pursuant to this Section of this Ordinance and the interest thereon from the proceeds of the Bonds in anticipation of the sale of which such notes are issued, and the City hereby further covenants to issue such Bonds, as the case may be, when, and as soon as, the reason for deferring the issuance of the Bonds no longer exists. The timely issuance of such Bonds, however, is dependent upon matters not within the control of the City, including (without limitation) the existence of a purchaser or purchasers for such Bonds at the time the reason for deferring the issuance of the Bonds no longer exists and the effectiveness of various actions taken by the Borrower, its officers, agents and employees.

SEC. 10. *And be it further ordained,* That the provisions of this Ordinance are severable, and if any provision, sentence, clause, section or part hereof is held illegal, invalid or unconstitutional or inapplicable to any person or circumstances, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this Ordinance or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this Ordinance would have been passed if such illegal, invalid or unconstitutional provision, sentence, clause, section or part had not been included herein, and if the person or circumstances to which this Ordinance or any part hereof are inapplicable had been specifically exempted herefrom.

SEC. 11. *And be it further ordained*, That either the Bonds or bond anticipation notes issued pursuant to Section 9 of this Ordinance in anticipation of the issuance of the Bonds must be issued and sold within six months from the date on which this Ordinance is approved by the Mayor of the City; provided, however, that the Board, after a showing of good cause at a public hearing held before the Board prior to or after the expiration of such six month period, may extend the period during which either the Bonds or such bond anticipation notes may be issued and sold for one additional term not to exceed six months from the date on which the first six month period expired. The Board, in its sole discretion, and without action by the City Council, shall determine the sufficiency, or lack thereof, of the reasons presented for any requested extension of the six month period. If an extension is granted, notice of such extension and the reasons therefor must be sent to the City Council. To the extent that neither the Bonds nor such bond anticipation notes are issued and sold within twelve months from the date on which this Ordinance is approved by the Mayor of the City, the authority provided in this Ordinance for the City to issue and sell the Bonds and such bond anticipation notes shall expire.

SEC. 12. *And be it further ordained*, That this Ordinance shall take effect from the date of its passage.

Approved October 14, 1981.

WILLIAM DONALD SCHAEFER, *Mayor*.

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No. 438

(Council No. 809)

AN ORDINANCE concerning

INDUSTRIAL DEVELOPMENT REVENUE BONDS—  
(FIELD PAPER BOX CORPORATION PROJECT)

FOR the purpose of authorizing and empowering Mayor and City Council of Baltimore to issue and sell, at any time or from time to time and in one or more series,



as limited obligations of the City and not upon its full faith and credit, its industrial development revenue bonds, in the aggregate principal amount not to exceed \$2,000,000, pursuant to the provisions of Sub-section (50) of Article II of the Charter of Baltimore City (1964 Revision), as amended, for the sole and exclusive purpose of financing the costs of the acquisition by Field Paper Box Corporation, a Delaware corporation, of a certain project in Baltimore City consisting of the acquisition of certain machinery and equipment to be located in a building known as 1501 Russell Street in Baltimore City, to be owned by Field Paper Box Corporation, for use in the manufacture of paperboard folding cartons; authorizing the Mayor of the City, on behalf of the City, to accept the letter of intent dated August 31, 1981 from Field Paper Box Corporation to the City; making certain legislative findings; authorizing and empowering the Board of Finance of the City, by a resolution or resolutions adopted prior to the issuance, sale and delivery of any series of such bonds, to (a) prescribe, among other things but not limited to, the form, terms, provisions, manner or method of issuing and selling (including negotiated as well as competitive bid sale), and the time or times of issuance, and any and all other details of such bonds, and (b) do any and all things necessary, proper or expedient in connection with the issuance and sale of such bonds; providing that Field Paper Box Corporation shall agree to submit any plans and specifications to, and to coordinate with, the Department of Housing and Community Development in connection with the completion of such project, if changes are to be made in the facility in which such project is located; providing that such bonds (or bond anticipation notes issued in anticipation of the issuance of such bonds) must be issued and sold within twelve months from the date this Ordinance is approved by the Mayor, unless the Board of Finance approves one six month extension as provided in this Ordinance; authorizing the issuance of notes in anticipation of the issuance of such revenue bonds; and generally providing for and determining various matters and details in connection with the issuance and sale of such bonds and bond anticipation notes.

## RECITALS

Sub-section (50) of Article II of the Charter of Baltimore City (1964 Revision), as amended (the "Enabling Law"), empowers Mayor and City Council of Baltimore (the "City") to borrow money to finance undertakings for the accomplishment of any of the purposes, objects and powers of the City and in connection therewith to issue bonds, notes, or other obligations (including refunding bonds, notes or other obligations), all of which shall be fully negotiable, payable, as to both principal and interest, solely from and secured solely by a pledge of (I) the revenues from or arising in connection with the property, facilities, developments and improvements whose financing is undertaken by the issuance of such bonds, notes or other obligations, (II) the revenues from or arising in connection with any contracts, mortgages or other securities purchased or otherwise acquired with the proceeds of such bonds, notes or other obligations, (III) the contracts, mortgages or other securities purchased or otherwise acquired with the proceeds of such bonds, notes or other obligations, or (IV) any combination of (I), (II) or (III). The purposes, objects and powers of the City contemplated by the Enabling Law include the relief of conditions of unemployment in Baltimore City, encouraging the increase of industry and a balanced economy in Baltimore City, promoting economic development in Baltimore City, and promoting the health, welfare and safety of the residents of Baltimore City.

The City has received a letter of intent dated August 31, 1981 (the "Letter of Intent") from Field Paper Box Corporation, a Delaware corporation (the "Borrower"), pursuant to which the Borrower has requested the City to participate in the financing of the costs of the completion by the Borrower of a certain project in Baltimore City, Maryland (the "Project"), by issuing and selling the City's industrial development revenue bonds in the aggregate principal amount not to exceed \$2,000,000 (the "Bonds"), and by making the proceeds of the Bonds available to the Borrower to be used by the Borrower for the sole and exclusive purpose of financing the costs of the acquisition of the Project by the Borrower.

The Project, which is an "undertaking" which will accomplish the purposes, objects and powers of the City as mentioned in the Enabling Law, will consist generally of the acquisition of certain machinery and equipment to be located in a building known as 1501 Russell Street in Baltimore City, to be owned by the Borrower for use in the manufacture of paperboard folding cartons.

The Enabling Law provides that the City may authorize and empower the Board of Finance of the City (the "Board") by resolution to determine and set forth the form, terms, provisions, manner or method of issuing and selling (including negotiated as well as competitive bid sale), and the time or times of issuance, and any and all other details of the Bonds and the issuance and sale thereof, and to do any and all things necessary, proper or expedient in connection with the issuance and sale of the Bonds.

**NOW THEREFORE, IN ACCORDANCE WITH THE ENABLING LAW:**

**SECTION 1.** *Be it ordained by the Mayor and City Council of Baltimore,* That acting pursuant to the Enabling Law, it is hereby found and determined as follows:

(1) The issuance and sale of the Bonds by the City pursuant to the Enabling Law in order to make the proceeds thereof available to the Borrower for the sole and exclusive purpose of financing the costs of acquisition of the Project will facilitate and expedite the acquisition of the Project by the Borrower.

(2) The acquisition of the Project by the Borrower and the financing of the costs of such acquisition as provided in this Ordinance will serve to promote the general purposes contemplated by the Enabling Law by (a) sustaining jobs and employment in Baltimore City; (b) promoting economic development in Baltimore City; and (c) encouraging the increase of industry and a balanced economy in Baltimore City.

(3) Any and all of the Bonds shall not be general obligations of the City and shall not be a pledge of or involve the faith and credit or the taxing power of the



City, and shall not constitute a debt of the City, all within the meaning of Section 7 of Article XI of the Constitution of Maryland or within the meaning of any other constitutional, statutory or charter provision limiting or restricting the sale or issuance of bonds, notes or other obligations of the City. All of the Bonds shall be limited obligations of the City, and shall be fully negotiable, payable, as to both principal and interest, solely from and secured solely by a pledge of (I) the revenues from or arising in connection with the Project, (II) the revenues from or arising in connection with any contracts, mortgages or other securities purchased or otherwise acquired with the proceeds of the Bonds, (III) the contracts, mortgages or other securities purchased or otherwise acquired with the proceeds of the Bonds, or (IV) any combination of (I), (II) or (III), all as the Board may approve by a resolution or resolutions adopted prior to the issuance, sale and delivery of any of the Bonds.

SEC. 2. *And be it further ordained*, That the City is hereby authorized and empowered to issue and sell, at any time or from time to time and in one or more series, as limited obligations of the City and not upon its full faith and credit, its industrial development revenue bonds, in the aggregate principal amount not to exceed \$2,000,000, subject to the provisions of this Ordinance. The proceeds of the Bonds will be made available to the Borrower under terms and conditions approved by the Board and set forth in a Resolution, and used by the Borrower for the sole and exclusive purpose of financing the costs of the acquisition of the Project.

SEC. 3. *And be it further ordained*, That this Ordinance constitutes the present intent of the City to issue the Bonds, and the Mayor of the City is hereby authorized to accept the Letter of Intent on behalf of the City in order to further evidence the present intent of the City to issue the Bonds in accordance with the terms and provisions of this Ordinance.

SEC. 4. *And be it further ordained*, That, as permitted by the Enabling Law, the Board is hereby authorized and

empowered, by a resolution or resolutions adopted prior to the issuance, sale and delivery of any of the Bonds, to:

(a) prescribe, among other things but not limited to, the form, terms, provisions, manner or method of issuing and selling (including negotiated as well as competitive bid sale), and the time or times of issuance, and any and all other details of the Bonds and the issuance and sale thereof;

(b) approve (i) the pledge or assignment by the City of any of the security described in Section 5 of this Ordinance, pursuant to a trust agreement or similar agreement, (ii) the form of any such trust agreement or similar agreement, as provided in the Enabling Law, and (iii) such provisions in any such trust agreement or similar agreements as the Board may deem reasonable and proper for the security of the holders of the Bonds;

(c) approve the terms and conditions, including but not limited to the terms and conditions of any documents to be executed and delivered by the City (other than customary financing statements and closing certificates), under which the proceeds of the Bonds will be made available to the Borrower to finance the costs of the acquisition of the Project; and

(d) do any and all things necessary, proper or expedient in connection with the issuance, sale and delivery of the Bonds.

SEC. 5. *And be it further ordained*, That any and all of the Bonds shall not be general obligations of the City and shall not be a pledge of or involve the faith and credit or the taxing power of the City, and shall not constitute a debt of the City, all within the meaning of Section 7 of Article XI of the Constitution of Maryland or any other constitutional, statutory or charter provision limiting or restricting the sale or issuance of bonds, notes or other obligations of the City. All of the Bonds shall be limited obligations of the City, and shall be fully negotiable, payable, as to both principal and interest, solely from and secured solely by a pledge of (I) the revenues from or arising in connection with the Project, (II) the revenues from or arising in connection with any contracts, mort-

gages or other securities purchased or otherwise acquired with the proceeds of the Bonds, (III) the contracts, mortgages or other securities purchased or otherwise acquired with the proceeds of the Bonds, or (IV) any combination of (I), (II) or (III), all as the Board may approve by a resolution or resolutions adopted prior to the issuance, sale and delivery of any of the Bonds.

SEC. 6. *And be it further ordained*, That the Borrower shall agree that if any changes are to be made in the facility in which the Project is to be located:

(a) it will submit any plans and specifications for such changes to the Department of Housing and Community Development for approval, and that the Department of Housing and Community Development may refuse approval of any plans and specifications for aesthetic or functional reasons; and

(b) it and its developers will work with the design advisory group appointed by the Department of Housing and Community Development in order to achieve high quality site, building, and landscape design.

SEC. 7. *And be it further ordained*, That any and all of the Bonds shall be executed in the name of the City and on its behalf by the Mayor of the City, by his manual or facsimile signature, and by the Director of Finance of the City, by his manual or facsimile signature, and the corporate seal of the City or a facsimile thereof shall be impressed or otherwise reproduced thereon and attested by the Custodian or Alternate Custodian of the City Seal, by his/her manual signature. Any trust agreement or other documents as the Board shall deem necessary to effectuate the issuance, sale and delivery of the Bonds shall be executed in the name of the City and on its behalf by the Mayor of the City by his manual or facsimile signature, and the corporate seal of the City or a facsimile thereof shall be impressed or otherwise reproduced thereon and attested by the Custodian or Alternate Custodian of the City Seal by his/her manual signature. In case any officer whose signature or a facsimile of whose signature shall appear on the Bonds or any of the aforesaid documents shall cease to be such officer before the delivery



of the Bonds or any of the other aforesaid documents, such signature or such facsimile shall nevertheless be valid and sufficient for all purposes, the same as if such officer had remained in office until delivery. The Mayor of the City, the Director of Finance of the City, the Custodian and Alternate Custodian of the City Seal and other officials of the City are hereby authorized and empowered to do all such acts and things and execute such documents and certificates as the Board may determine by resolution to be necessary to carry out and comply with the provisions hereof.

SEC. 8. *And be it further ordained*, That any and all necessary financing statements required for the consummation of the transactions authorized by this Ordinance may be executed on behalf of the City by the Mayor of the City or by the Chief, Bureau of Treasury Management of the City or by such other appropriate official of the City as may be designated by the Mayor of the City to execute such financing statements.

SEC. 9. *And be it further ordained*, That the authority to issue the Bonds is intended and shall be deemed to include the authority to issue bond anticipation notes pursuant to Section 12 of Article 31 of the Annotated Code of Maryland (1976 Replacement Volume and 1980 Cumulative Supplement), as amended (the "Bond Anticipation Note Enabling Legislation"). Reference in this Ordinance to the "Bonds" shall include such bond anticipation notes where appropriate. Prior to the issuance, sale and delivery of any series of bond anticipation notes, the Board shall adopt a resolution or resolutions, to:

(a) prescribe, among other things but not limited to, the form, terms, provisions, manner or method of issuing and selling (including negotiated as well as competitive bid sale), and the time or times of issuance, and any and all other details of such bond anticipation notes and the issuance and sale thereof;

(b) approve (i) the pledge or assignment by the City of any of the security described in Section 5 of this Ordinance, pursuant to a trust agreement or similar agreement, (ii) the form of any such trust agreement or similar

agreement, as provided in the Enabling Law, and (iii) such provisions in any such trust agreement or similar agreement as the Board may deem reasonable and proper for the security of the holders of such bond anticipation notes;

(c) approve the terms and conditions, including but not limited to the terms and conditions of any documents to be executed and delivered by the City (other than customary financing statements and closing certificates), under which the proceeds of such bond anticipation notes will be made available to the Borrower to finance the costs of the acquisition of the Project; and

(d) do any and all things necessary, proper or expedient in connection with the issuance, sale and delivery of such bond anticipation notes.

In accordance with the Bond Anticipation Note Enabling Legislation, the City hereby covenants to pay any bond anticipation notes issued pursuant to this Section of this Ordinance and the interest thereon from the proceeds of the Bonds in anticipation of the sale of which such notes are issued, and the City hereby further covenants to issue such Bonds, as the case may be, when, and as soon as, the reason for deferring the issuance of the Bonds no longer exists. The timely issuance of such Bonds, however, is dependent upon matters not within the control of the City, including (without limitation) the existence of a purchaser or purchasers for such Bonds at the time the reason for deferring the issuance of the Bonds no longer exists and the effectiveness of various actions taken by the Borrower, its officers, agents and employees.

SEC. 10. *And be it further ordained*, That the provisions of this Ordinance are severable, and if any provision, sentence, clause, section or part hereof is held illegal, invalid or unconstitutional or inapplicable to any person or circumstances, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this Ordinance or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this Ordinance would have been passed if such illegal,

invalid or unconstitutional provision, sentence, clause, section or part had not been included herein, and if the person or circumstances to which this Ordinance or any part hereof are inapplicable had been specifically exempted herefrom.

SEC. 11. *And be it further ordained*, That either the Bonds or bond anticipation notes issued pursuant to Section 9 of this Ordinance in anticipation of the issuance of the Bonds must be issued and sold within twelve months from the date on which this Ordinance is approved by the Mayor of the City; provided, however, that the Board, after a showing of good cause at a public hearing held before the Board prior to or after the expiration of such twelve month period, may extend the period during which either the Bonds or such bond anticipation notes may be issued and sold for one additional term not to exceed six months from the date on which the first twelve month period expired. The Board, in its sole discretion, and without action by the City Council, shall determine the sufficiency, or lack thereof, of the reasons presented for any requested extension of the twelve month period. If an extension is granted, notice of such extension and the reasons therefor must be sent to the City Council. To the extent that neither the Bonds nor such bond anticipation notes are issued and sold within eighteen months from the date on which this Ordinance is approved by the Mayor of the City, the authority provided in this Ordinance for the City to issue and sell the Bonds and such bond anticipation notes shall expire.

SEC. 12. *And be it further ordained*, That this Ordinance shall take effect from the date of its passage.

Approved October 14, 1981.

WILLIAM DONALD SCHAEFER, *Mayor*.



No. 439

(Council No. 810)

AN ORDINANCE concerning

INDUSTRIAL DEVELOPMENT REVENUE BONDS  
(ROAL REALTY CO. PROJECT)

FOR the purpose of (a) authorizing and empowering Mayor and City Council of Baltimore to issue and sell, at any time or from time to time and in one or more series, as limited obligations of the City and not upon its full faith and credit, its industrial development revenue bonds in an aggregate principal amount not exceeding \$825,000 pursuant to the provisions of Article II, subsection (50) of the Charter of Baltimore City (1964 Revision), as amended, for the sole and exclusive purpose of financing the costs of the completion by April 1983 of a certain project consisting of the acquisition of part of the real property located at, and known as, 111 N. Charles Street in the City of Baltimore, Maryland (including the existing improvements thereon), the renovation of certain improvements thereon, and the purchase and installation of certain machinery and equipment therein, to be owned by the Borrower and leased to one or more tenants for use as office and commercial facilities; (b) authorizing the Mayor of the City, on the City's behalf, to accept the revised letter of intent dated July 10, 1981, from the Borrower to the City; (c) making certain legislative findings; (d) authorizing and empowering the City's Board of Finance by one or more resolutions adopted before the issuance, sale and delivery of any series of such bonds, to (i) prescribe, among other things but not limited to, the form, terms, provisions, manner or method of issuing and selling such bonds (including one or more negotiated or competitive bid sales), the time or times of their issuance, and any and all other details of such bonds, and (ii) do any and all things necessary, proper or expedient in connection with the issuance and sale of such bonds; (e) authorizing the Board to adopt one or more supplemental resolutions for certain purposes; (f) authorizing the issuance of notes in anticipation of the issuance of such bonds; (g)

providing that the Borrower shall agree to submit any plans and specifications to, and to cooperate with, the City's Department of Housing and Community Development in connection with the completion of such project; (h) providing that such bonds or bond anticipation notes must be issued and sold within six (6) months from the date on which this Ordinance is approved by the Mayor, unless the Board approves one six-month extension as provided in this Ordinance; and (i) generally providing for and determining various matters and details in connection with the issuance and sale of such bonds and bond anticipation notes.

### RECITALS

Article II, subsection (50) of the Charter of Baltimore City (1964 Revision), as amended (hereinafter referred to as the "Enabling Law"), empowers the Mayor and City Council of Baltimore (herein referred to as the "City") to borrow money to finance undertakings for the accomplishment of any of the City's purposes, objects and powers and in connection therewith to issue bonds, notes or other obligations (including refunding bonds, notes or other obligations), all of which shall be fully negotiable and payable, as to both principal and interest, solely from and secured solely by a pledge of any one or more of (a) the revenues from or arising in connection with the property, facilities, developments and improvements whose financing is undertaken by the issuance of such bonds, notes or other obligations, (b) the revenues from or arising in connection with any contracts, mortgages or other securities, purchased or otherwise acquired with the proceeds of such bonds, notes or other obligations, or (c) the contracts, mortgages or other securities purchased or otherwise acquired with the proceeds of such bonds, notes or other obligations. The purposes, objects and powers of the City contemplated by the Enabling Law include the relief of conditions of unemployment in the City of Baltimore, Maryland, encouraging the increase of industry and a balanced economy therein, promoting economic development therein, and promoting the health, welfare and safety of the residents thereof.

The City has received a revised letter of intent dated July 10, 1981 (hereinafter referred to as the "Letter Intent") from Roal Realty Co., a general partnership organized and existing under the law of Maryland (hereinafter referred to as the "Borrower"), pursuant to which the Borrower has requested the City to participate in financing the costs of the Borrower's completion of a certain project in the City of Baltimore, Maryland (hereinafter referred to as the "Project"), by issuing and selling the City's industrial development revenue bonds in an aggregate principal sum not exceeding \$1,000,000 (hereinafter referred to as the "Bonds"), and by making the proceeds of the Bonds available to the Borrower to be used by it for the sole and exclusive purpose of financing the costs of its completion of the Project.

The Project will consist generally of (a) the acquisition of a portion of a tract of land located at 111 N. Charles Street, Baltimore, Maryland, and the existing improvements thereon (consisting of, among other things, six stories of an eight-story building on a lot containing approximately 4180 square feet), (b) the renovation of such existing improvements for offices and commercial space, (c) the acquisition, construction and installation in such improvements of such machinery and equipment, and such other improvements, as may be necessary or useful in connection with the operation thereof, and (d) the acquisition of such other interests in land (including, by way of example rather than of limitation, roads, rights of access, utilities and other necessary site preparation facilities) as may be necessary or suitable for the foregoing purposes. Upon its completion, the Project will be owned by the Borrower and leased to one or more tenants for use as offices and commercial facilities. The Borrower anticipates that three of such tenants will be Reliable Stores Corporation, Stanley S. Cohen, P. A., and the State of Maryland (Workmen's Compensation Commission). The identities of other tenants have not yet been determined.

The Enabling Law provides that the City may authorize and empower the City's Board of Finance (herein referred to as the "Board") by resolution to determine



and set forth the form, terms, provisions, manner or method of issuing and selling the Bonds (including one or more negotiated or competitive bid sales), the time or times of their issuance, and any and all other details of the Bonds and the issuance and sale thereof, and to do any and all things necessary, proper or expedient in connection with the issuance and sale of the Bonds.

NOW, THEREFORE, IN ACCORDANCE WITH THE PROVISIONS OF THE ENABLING LAW,

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That, acting pursuant to the provisions of the Enabling Law, it is hereby found and determined that:

1.1. The City's issuance and sale of the Bonds pursuant to the provisions of the Enabling Law in order to make the proceeds thereof available to the Borrower for the sole and exclusive purpose of financing the costs of completion of the Project will facilitate and expedite such completion.

1.2. The Borrower's completion of the Project and the financing of the costs thereof as provided in this Ordinance will serve to promote the general purposes contemplated by the Enabling Law by (a) sustaining and increasing jobs and employment in the City of Baltimore, (b) promoting economic development therein, and (c) encouraging the increase of industry and a balanced economy therein.

1.3. The Bonds shall not be general obligations of the City, shall not be a pledge of or involve the City's faith and credit or taxing power, and shall not constitute a debt of the City, all within the meaning of the provisions of Article XI, Section 7 of the Constitution of Maryland or any other constitutional, statutory or charter provision limiting or restricting the sale or issuance of the City's bonds, notes or other obligations. The Bonds shall be limited obligations of the City, shall be fully negotiable, and shall be payable, as to both principal and interest, solely from and secured solely by a pledge of any one or more of (a) the revenues from or arising in connection with the Project, (b) the revenues from or arising in connection with any contracts, mortgages or other securities purchased or otherwise acquired with the proceeds of the Bonds, and (c) the contracts, mortgages or other securities purchased

or otherwise acquired with the proceeds of the Bonds, all as the Board may approve by one or more resolutions adopted before the issuance, sale and delivery of any the Bonds.

SEC. 2. *And be it further ordained*, That the City is hereby authorized and empowered to issue and sell, at any time or from time to time and in one or more series, as limited obligations of the City and not upon its full faith and credit, its industrial development revenue bonds in an aggregate principal sum not exceeding \$825,000, subject to the provisions of this Ordinance. The proceeds of the Bonds shall be made available to the Borrower under terms and conditions approved by the Board and set forth in a resolution, and shall be used by the Borrower for the sole purpose of financing the costs of the completion of the Project. ANY PROCEEDS OF THE BONDS, AND ANY SUMS EARNED BY INVESTMENT OF SUCH PROCEEDS BEFORE DISBURSEMENT, WHICH PROCEEDS AND OTHER SUMS REMAIN UNDISBURSED AFTER MAKING FULL PAYMENT (OR PROVISION THEREFOR) OF THE COSTS OF THE COMPLETION OF THE PROJECT, SHALL BE APPLIED TO THE REDEMPTION OF THE BONDS AT THE EARLIEST PRACTICABLE REDEMPTION DATE.

SEC. 3. *And be it further ordained*, That this Ordinance constitutes the present intent of the City to issue the Bonds, and the Mayor of the City (herein referred to as "the Mayor") is hereby authorized to accept the Letter of Intent on the City's behalf to further evidence the City's present intent to issue the Bonds in accordance with the provisions of this Ordinance.

SEC. 4. *And be it further ordained*, That, as permitted by the Enabling Law, the Board is hereby authorized and empowered, by one or more resolutions adopted before the issuance, sale and delivery of any of the Bonds, to

4.1. prescribe, among other things but not limited to, the form, terms, provisions, manner or method of issuing and selling the Bonds (including one or more negotiated or competitive bid sales), the time or times of their issu-

ance, and any and all other details of the Bonds and their issuance and sale;

4.2. approve (a) the City's pledge or assignment of any of the security described in by the provisions of Section 6 hereof, pursuant to a trust agreement or similar agreement, (b) the form of any such trust agreement or similar agreement, as provided in the Enabling Law, and (c) such provisions in any such trust agreement or similar agreement as the Board may deem reasonable and proper for the security of the holders of the Bonds;

4.3. approve the terms and conditions, including but not limited to the terms and conditions of any documents to be executed and delivered by the City (other than customary financing statements and closing certificates), under which the proceeds of the Bonds will be made available to the Borrower to finance the costs of the completion of the Project; and

4.4. do any and all things necessary, proper or expedient in connection with the issuance, sale and delivery of the Bonds.

SEC. 5. *And be it further ordained*, That the Board is hereby authorized and empowered to adopt one or more resolutions from time to time, either before or after the issuance, sale and delivery of the Bonds, to supplement the resolution or resolutions referred to in the provisions of Sections 4 and 8 hereof, and thereby to approve amendments or supplements to or substitutes for the forms and provisions of the Bonds, such trust agreement or similar agreement and all other documents approved by such resolution or resolutions, provided that each such supplemental resolution and each such amendment, supplement or substitute shall be in accordance with the provisions of the Enabling Law and this Ordinance.

SEC. 6. *And be it further ordained*, That the Bonds shall not be general obligations of the City, shall not be a pledge of or involve the City's faith and credit or taxing power, and shall not constitute a debt of the City, all within the meaning of the provisions of Article XI, Section 7 of the Constitution of Maryland or any other constitutional, statu-



tory or charter provision limiting or restricting the sale or issuance of the City's bonds, notes or other obligations. The Bonds shall be limited obligations of the City, shall be fully negotiable, and shall be payable, as to both principal and interest, solely from and secured solely by a pledge of any one or more of (a) the revenues from or arising in connection with the Project, (b) the revenues from or arising in connection with any contracts, mortgages or other securities purchased or otherwise acquired with the proceeds of the Bonds, or (c) the contracts, mortgages or other securities purchased or otherwise acquired with the proceeds of the Bonds, all as the Board may approve by one or more resolutions adopted before the issuance, sale and delivery of any of the Bonds.

SEC. 7. *And be it further ordained*, That the Bonds shall be executed in the City's name and on its behalf by the Mayor, by his manual or facsimile signature, and by the City's Director of Finance, by his manual or facsimile signature, and the City's corporate seal or a facsimile thereof shall be impressed or otherwise reproduced thereon and attested by the Custodian of the City Seal, by his manual signature. The trust agreement or similar agreement and all other documents approved by the resolution or resolutions referred to in the provisions of Sections 4 and 8 hereof, and any and all amendments thereto approved by a resolution referred to in the provisions of Section 5 hereof, shall be executed in the City's name and on its behalf by the Mayor by his manual signature, and the City's corporate seal or a facsimile thereof shall be impressed or otherwise reproduced thereon and attested by the Custodian of the City Seal, by his manual signature. In case any officer whose signature or a facsimile thereof shall appear on the Bonds or any of the said documents shall cease to be such officer before the delivery of the Bonds or any other such document, such signature or such facsimile shall nevertheless be valid and sufficient for all purposes, as if such officer had remained in office until delivery. The Mayor, the City's Director of Finance, the Custodian of the City Seal and other officials of the City are hereby authorized and empowered to do all such acts and things and execute such documents and certificates as the Board may determine in the resolutions referred to

in the provisions of Sections 4, 5 and 8 hereof to be necessary to carry out and comply with the provisions hereof.

SEC. 8. *And be it further ordained*, That the authority to issue the Bonds is intended and shall be deemed to include the authority to issue bond anticipation notes pursuant to the provisions of Article 31, Section 12 of the Annotated Code of Maryland (1976 Replacement Volume and 1980 Cumulative Supplement), as amended (hereinafter referred to as the "Note Enabling Law"). Reference in this Ordinance to the Bonds shall include such bond anticipation notes where appropriate. As permitted by the provisions of the Enabling Law and the Note Enabling Law, the Board is hereby authorized and empowered, by one or more resolutions adopted before the issuance, sale and delivery of any of such bond anticipation notes, to

8.1. prescribe, among other things but not limited to, the form, terms, provisions, manner or method of issuing and selling any such bond anticipation notes (including one or more negotiated or competitive bid sales), the time or times of their issuance, and any and all other details of such bond anticipation notes and their issuance and sale;

8.2. approve (a) the City's pledge or assignment of any of the security described in the provisions of Section 6 hereof, pursuant to a trust agreement or similar agreement, (b) the form of any such trust agreement or similar agreement, as provided in the Enabling Law or the Note Enabling Law, and (c) such provisions in any such trust agreement or similar agreement as the Board may deem reasonable and proper for the security of the holders of such bond anticipation notes;

8.3. approve the terms and conditions, including but not limited to the terms and conditions of any documents to be executed and delivered by the City (other than customary financing statements and closing certificates), under which the proceeds of such bond anticipation notes will be made available to the Borrower to finance the costs of the completion of the Project; and

8.4. do any and all things necessary, proper or expedient in connection with the issuance, sale and delivery of such bond anticipation notes.

In accordance with the Note Enabling Law, the City hereby covenants (a) to pay any bond anticipation notes issued pursuant to the provisions of this Section, and the interest thereon, from the proceeds of the Bonds in anticipation of the sale of which such notes are issued, and (b) to issue such Bonds when, and as soon as, the reason for deferring the issuance of the Bonds no longer exists. The timely issuance of such Bonds, however, is dependent upon matters not within the City's control, including (without limitation) the existence of a purchaser or purchasers of such Bonds when the reason for deferring the issuance of the Bonds no longer exists, and the effectiveness of various actions taken by the Borrower, its officers, agents and employees.

SEC. 9. *And be it further ordained*, That the Borrower shall agree that

9.1. it will submit any plans and specifications for the Project to the City's Department of Housing and Community Development for approval, and that such Department may refuse approval of any such plans and specifications for aesthetic or functional reasons; and

9.2. it and its developers will work with the design advisory group appointed by such Department to achieve high quality site, building and landscape design.

SEC. 10. *And be it further ordained*, That the provisions of this Ordinance are severable, and if any provision, sentence, clause, section or part hereof is held illegal, invalid or unconstitutional or inapplicable to any person or circumstance, such illegality, invalidity, unconstitutionality or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this Ordinance would have been passed if such illegal, invalid or unconstitutional provision, sentence, clause, section or part had not been included herein, and if the person or circumstances to which this Ordinance or any part hereof is inapplicable had been specifically exempted herefrom.



SEC. 11. *And be it further ordained*, That either the Bonds or any bond anticipation notes issued pursuant to the provisions of Section 8 hereof must be issued and sold within six (6) months from the date on which this Ordinance is approved by the Mayor; provided, that the Board, after a showing of good cause at a public hearing held before the Board before or after the expiration of such six-month period, may extend the period during which either the Bonds or such bond anticipation notes may be issued and sold for one additional term not exceeding six (6) months from the date on which the first six-month period expires. The Board, in its sole discretion and without action by the City Council of the City, shall determine the sufficiency, or lack thereof, of the reasons presented for any requested extension of such six-month period. If an extension is granted, notice of such extension and the reasons therefor must be sent to the City Council of the City. To the extent that neither the Bonds nor such bond anticipation notes are issued and sold within twelve (12) months from the date on which this Ordinance is approved by the Mayor, the authority provided in this Ordinance for the City to issue and sell the Bonds and such bond anticipation notes shall expire.

SEC. 12. *And be it further ordained*, That this Ordinance shall take effect from the date of its passage.

Approved October 14, 1981.

WILLIAM DONALD SCHAEFER, *Mayor*.

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No. 440

(Council No. 811)

AN ORDINANCE concerning

INDUSTRIAL DEVELOPMENT REVENUE BONDS—  
(QUEEN MANOR NURSING HOME, INC. PROJECT)

FOR the purpose of authorizing and empowering Mayor and City Council of Baltimore to issue and sell, at any time or from time to time and in one or more series, as

limited obligations of the City and not upon its full faith and credit, its industrial development revenue bonds, in the aggregate principal amount not to exceed \$1,500,000, pursuant to the provisions of Sub-section (50) of Article II of the Charter of Baltimore City (1964 Revision), as amended, for the sole and exclusive purpose of financing the costs of the completion by Queen Manor Nursing Home, Inc., a Maryland corporation, of a certain project in Baltimore City consisting of the acquisition of the real property known as Lots 69, 68 and 63 located at 1501 Slingluff Avenue in Baltimore City, the construction of certain improvements thereon, and the purchase and installation of certain machinery and equipment therein, to be owned by Queen Manor Nursing Home, Inc., for use as nursing and convalescent home; authorizing the Mayor of the City, on behalf of the City, to accept the letter of intent dated October 9, 1981 from Queen Manor Nursing Home, Inc. to the City; making certain legislative findings; authorizing and empowering the Board of Finance of the City, by a resolution or resolutions adopted prior to the issuance, sale and delivery of any series of such bonds, to (a) prescribe, among other things but not limited to, the form, terms, provisions, manner or method of issuing and selling (including negotiated as well as competitive bid sale), and the time or times of issuance, and any and all other details of such bonds, and (b) do any and all things necessary, proper or expedient in connection with the issuance and sale of such bonds; providing that Queen Manor Nursing Home, Inc. shall agree to submit any plans and specifications to, and to coordinate with, the Department of Housing and Community Development in connection with the completion of such project; providing that such bonds (or bond anticipation notes issued in anticipation of the issuance of such bonds) must be issued and sold within six months from the date this Ordinance is approved by the Mayor, unless the Board of Finance approves one six month extension as provided in this Ordinance; authorizing the issuance of notes in anticipation of the issuance of such revenue bonds; and generally providing for and determining various matters and details in connection with the issuance and sale of such bonds and bond anticipation notes.

## RECITALS

Sub-section (50) of Article II of the Charter of Baltimore City (1964 Revision), as amended (the "Enabling Law"), empowers Mayor and City Council of Baltimore (the "City") to borrow money to finance undertakings for the accomplishment of any of the purposes, objects and powers of the City and in connection therewith to issue bonds, notes, or other obligations (including refunding bonds, notes or other obligations), all of which shall be fully negotiable, payable, as to both principal and interest, solely from and secured solely by a pledge of (I) the revenues from or arising in connection with the property, facilities, developments and improvements whose financing is undertaken by the issuance of such bonds, notes or other obligations, (II) the revenues from or arising in connection with any contracts, mortgages or other securities purchased or otherwise acquired with the proceeds of such bonds, notes or other obligations, (III) the contracts, mortgages or other securities purchased or otherwise acquired with the proceeds of such bonds, notes or other obligations, or (IV) any combination of (I), (II) or (III). The purposes, objects and powers of the City contemplated by the Enabling Law include the relief of conditions of unemployment in Baltimore City, encouraging the increase of industry and a balanced economy in Baltimore City, promoting economic development in Baltimore City, and promoting the health, welfare and safety of the residents of Baltimore City.

The City has received a letter of intent dated October 9, 1981 (the "Letter of Intent") from Queen Manor Nursing Home, Inc., a Maryland corporation (the "Borrower"), pursuant to which the Borrower has requested the City to participate in the financing of the costs of the completion by the Borrower of a certain project in Baltimore City, Maryland (the "Project"), by issuing and selling the City's industrial development revenue bonds in the aggregate principal amount not to exceed \$1,500,000 (the "Bonds"), and by making the proceeds of the Bonds available to the Borrower to be used by the Borrower for the sole and exclusive purpose of financing the costs of the completion of the Project by the Borrower.



The Project, which is an "undertaking" which will accomplish the purposes, objects and powers of the City as mentioned in the Enabling Law, will consist generally of (a) the acquisition of a tract of land known as Lots 69, 68 and 63 and located at 1501 Slingluff Avenue in Baltimore City, (b) the construction of a nursing and convalescent home, and (c) the acquisition and installation in such building of any or all machinery and equipment as may be necessary or useful in connection with the operation thereof. Upon completion, the Project will be owned by the Borrower.

The Enabling Law provides that the City may authorize and empower the Board of Finance of the City (the "Board") by resolution to determine and set forth the form, terms, provisions, manner or method of issuing and selling (including negotiated as well as competitive bid sale), and the time or times of issuance, and any and all other details of the Bonds and the issuance and sale thereof, and to do any and all things necessary, proper or expedient in connection with the issuance and sale of the Bonds.

NOW THEREFORE, IN ACCORDANCE WITH THE ENABLING LAW:

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That acting pursuant to the Enabling Law, it is hereby found and determined as follows:

(1) The issuance and sale of the Bonds by the City pursuant to the Enabling Law in order to make the proceeds thereof available to the Borrower for the sole and exclusive purpose of financing the costs of completion of the Project will facilitate and expedite the completion of the Project by the Borrower.

(2) The completion of the Project by the Borrower and the financing of the costs of such completion as provided in this Ordinance will serve to promote the general purposes contemplated by the Enabling Law by (a) sustaining jobs and employment in Baltimore City; (b) promoting economic development in Baltimore City; and (c) encouraging the increase of industry and a balanced economy in Baltimore City.

(3) Any and all of the Bonds shall not be general obligations of the City and shall not be a pledge of or involve the faith and credit or the taxing power of the City, and shall not constitute a debt of the City, all within the meaning of Section 7 of Article XI of the Constitution of Maryland or within the meaning of any other constitutional, statutory or charter provision limiting or redistricting the sale or issuance of bonds, notes or other obligations of the City. All of the Bonds shall be limited obligations of the City, and shall be fully negotiable, payable, as to both principal and interest, solely from and secured solely by a pledge of (I) the revenues from or arising in connection with the Project, (II) the revenues from or arising in connection with any contracts, mortgages or other securities purchased or otherwise acquired with the proceeds of the Bonds, (III) the contracts, mortgages or other securities purchased or otherwise acquired with the proceeds of the Bonds, or (IV) any combination of (I), (II) or (III), all as the Board may approve by a resolution or resolutions adopted prior to the issuance, sale and delivery of any of the Bonds.

SEC. 2. *And be it further ordained*, That the City is hereby authorized and empowered to issue and sell, at any time or from time to time and in one or more series, as limited obligations of the City and not upon its full faith and credit, its industrial development revenue bonds, in the aggregate principal amount not to exceed \$1,500,000, subject to the provisions of this Ordinance. The proceeds of the Bonds will be made available to the Borrower under terms and conditions approved by the Board and set forth in a Resolution, and used by the Borrower for the sole and exclusive purpose of financing the costs of the completion of the Project.

SEC. 3. *And be it further ordained*, That this Ordinance constitutes the present intent of the City to issue the Bonds, and the Mayor of the City is hereby authorized to accept the Letter of Intent on behalf of the City in order to further evidence the present intent of the City to issue the Bonds in accordance with the terms and provisions of this Ordinance.

SEC. 4. *And be it further ordained*, That, as permitted by the Enabling Law, the Board is hereby authorized and empowered, by a resolution or resolutions adopted prior to the issuance, sale and delivery of any of the Bonds, to:

(a) prescribe, among other things but not limited to, the form, terms, provisions, manner or method of issuing and selling (including negotiated as well as competitive bid sale), and the time or times of issuance, and any and all other details of the Bonds and the issuance and sale thereof;

(b) approve (i) the pledge or assignment by the City of any of the security described in Section 5 of this Ordinance, pursuant to a trust agreement or similar agreement, (ii) the form of any such trust agreement or similar agreement, as provided in the Enabling Law, and (iii) such provisions in any such trust agreement or similar agreement as the Board may deem reasonable and proper for the security of the holders of the Bonds;

(c) approve the terms and conditions, including but not limited to the terms and conditions of any documents to be executed and delivered by the City (other than customary financing statements and closing certificates), under which the proceeds of the Bonds will be made available to the Borrower to finance the costs of the completion of the Project; and

(d) do any and all things necessary, proper or expedient in connection with the issuance, sale and delivery of the Bonds.

SEC. 5. *And be it further ordained*, That any and all of the Bonds shall not be general obligations of the City and shall not be a pledge of or involve the faith and credit or the taxing power of the City, and shall not constitute a debt of the City, all within the meaning of Section 7 of Article XI of the Constitution of Maryland or any other constitutional, statutory or charter provision limiting or restricting the sale or issuance of bonds, notes or other obligations of the City. All of the Bonds shall be limited obligations of the City, and shall be fully negotiable, payable, as to both principal and interest, solely from and secured solely by a pledge of (I) the revenues from or



arising in connection with the Project, (II) the revenues from or arising in connection with any contracts, mortgages or other securities purchased or otherwise acquired with the proceeds of the Bonds, (III) the contracts, mortgages or other securities purchased or otherwise acquired with the proceeds of the Bonds, or (IV) any combination of (I), (II) or (III), all as the Board may approve by a resolution or resolutions adopted prior to the issuance, sale and delivery of any of the Bonds.

SEC. 6. *And be it further ordained*, That the Borrower shall agree that:

(a) it will submit any plans and specifications for the Project to the Department of Housing and Community Development for approval, and that the Department of Housing and Community Development may refuse approval of any plans and specifications for aesthetic or functional reasons; and

(b) it and its developers will work with the design advisory group appointed by the Department of Housing and Community Development in order to achieve high quality site, building, and landscape design.

SEC. 7. *And be it further ordained*, That any and all of the Bonds shall be executed in the name of the City and on its behalf by the Mayor of the City, by his manual or facsimile signature, and by the Director of Finance of the City, by his manual or facsimile signature, and the corporate seal of the City or a facsimile thereof shall be impressed or otherwise reproduced thereon and attested by the Custodian of the City Seal, by his manual signature. Any trust agreement or other documents as the Board shall deem necessary to effectuate the issuance, sale and delivery of the Bonds shall be executed in the name of the City and on its behalf by the Mayor of the City by his manual or facsimile signature, and the corporate seal of the City or a facsimile thereof shall be impressed or otherwise reproduced thereon and attested by the Custodian of the City Seal by his manual signature. In case any officer whose signature or a facsimile of whose signature shall appear on the Bonds or any of the aforesaid documents shall cease to be such officer before the delivery of the

Bonds or any of the other aforesaid documents, such signature or such facsimile shall nevertheless be valid and sufficient for all purposes, the same as if such officer had remained in office until delivery. The Mayor of the City, the Director of Finance of the City, the Custodian of the City Seal and other officials of the City are hereby authorized and empowered to do all such acts and things and execute such documents and certificates as the Board may determine by resolution to be necessary to carry out and comply with the provisions hereof.

SEC. 8. *And be it further ordained*, That any and all necessary financing statements required for the consummation of the transactions authorized by this Ordinance may be executed on behalf of the City by the Mayor of the City or by the Chief, Bureau of Treasury Management of the City or by such other appropriate official of the City as may be designated by the Mayor of the City to execute such financing statements.

SEC. 9. *And be it further ordained*, That the authority to issue the Bonds is intended and shall be deemed to include the authority to issue bond anticipation notes pursuant to Section 12 of Article 31 of the Annotated Code of Maryland (1976 Replacement Volume and 1980 Cumulative Supplement), as amended (the "Bond Anticipation Note Enabling Legislation"). Reference in this Ordinance to the "Bonds" shall include such bond anticipation notes where appropriate. **Prior to the issuance, sale and delivery** of any series of bond anticipation notes, the Board shall adopt a resolution or resolutions, to:

(a) prescribe, among other things but not limited to, the form, terms, provisions, manner or method of issuing and selling (including negotiated as well as competitive bid sale), and the time or times of issuance, and any and all other details of such bond anticipation notes and the issuance and sale thereof;

(b) approve (i) the pledge or assignment by the City of any of the security described in Section 5 of this Ordinance, pursuant to a trust agreement or similar agreement, (ii) the form of any such trust agreement or similar agreement, as provided in the Enabling Law, and (iii) such

provisions in any such trust agreement or similar agreement as the Board may deem reasonable and proper for the security of the holders of such bond anticipation notes;

(c) approve the terms and conditions, including but not limited to the terms and conditions of any documents to be executed and delivered by the City (other than customary financing statements and closing certificates), under which the proceeds of such bond anticipation notes will be made available to the Borrower to finance the costs of the completion of the Project; and

(d) do any and all things necessary, proper or expedient in connection with the issuance, sale and delivery of such bond anticipation notes.

In accordance with the Bond Anticipation Note Enabling Legislation, the City hereby covenants to pay any bond anticipation notes issued pursuant to this Section of this Ordinance and the interest thereon from the proceeds of the Bonds in anticipation of the sale of which such notes are issued, and the City hereby further covenants to issue such Bonds, as the case may be, when, and as soon as, the reason for deferring the issuance of the Bonds no longer exists. The timely issuance of such Bonds, however, is dependent upon matters not within the control of the City, including (without limitation) the existence of a purchaser or purchasers for such Bonds at the time the reason for deferring the issuance of the Bonds no longer exists and the effectiveness of various actions taken by the Borrower, its officers, agents and employees.

SEC. 10. *And be it further ordained*, That the provisions of this Ordinance are severable, and if any provision, sentence, clause, section or part hereof is held illegal, invalid or unconstitutional or inapplicable to any person or circumstances, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this Ordinance or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this Ordinance would have been passed if such illegal, invalid or unconstitutional provision, sentence, clause, section or part had not been included herein,



and if the person or circumstances to which this Ordinance or any part hereof are inapplicable had been specifically exempted herefrom.

SEC. 11. *And be it further ordained*, That either the Bonds or bond anticipation notes issued pursuant to Section 9 of this Ordinance in anticipation of the issuance of the Bonds must be issued and sold within six months from the date on which this Ordinance is approved by the Mayor of the City; provided, however, that the Board, after a showing of good cause at a public hearing held before the Board prior to or after the expiration of such six month period, may extend the period during which either the Bonds or such bond anticipation notes may be issued and sold for one additional term not to exceed six months from the date on which the first six month period expired. The Board, in its sole discretion, and without action by the City Council, shall determine the sufficiency, or lack thereof, of the reasons presented for any requested extension of the six month period. If an extension is granted, notice of such extension and the reasons therefor must be sent to the City Council. To the extent that neither the Bonds nor such bond anticipation notes are issued and sold within twelve months from the date on which this Ordinance is approved by the Mayor of the City, the authority provided in this Ordinance for the City to issue and sell the Bonds and such bond anticipation notes shall expire.

SEC. 12. *And be it further ordained*, That this Ordinance shall take effect from the date of its passage.

Approved October 14, 1981.

WILLIAM DONALD SCHAEFER, *Mayor*.

No. 441

(Council No. 813)

AN ORDINANCE concerning

INDUSTRIAL DEVELOPMENT REVENUE BONDS—  
(MARCH FUNERAL HOME PROJECT)

FOR the purpose of authorizing and empowering Mayor and City Council of Baltimore to issue and sell, at any time or from time to time and in one or more series, as limited obligations of the City and not upon its full faith and credit, its industrial development revenue bonds, in the aggregate principal amount not to exceed \$1,000,000, pursuant to the provisions of Sub-section (50) of Article II of the Charter of Baltimore City (1964 Revision), as amended, for the sole and exclusive purpose of financing the costs of the completion of William C. March of a certain project in Baltimore City consisting of the acquisition of the real property located at 5313-5323 Reisterstown Road in Baltimore City, the renovation of certain improvements thereon, and the purchase and installation of certain machinery and equipment therein, for use in connection with his business of operating an undertaking establishment and funeral parlor; authorizing the Mayor of the City, on behalf of the City, to accept the letter of intent dated October 7, 1981 from William C. March to the City; making certain legislative findings; authorizing and empowering the Board of Finance of the City, by a resolution or resolutions adopted prior to the issuance, sale and delivery of any series of such bonds, to (a) prescribe, among other things but not limited to, the form, terms, provisions, manner or method of issuing and selling (including negotiated as well as competitive bid sale), and the time or times of issuance, and any and all other details of such bonds, and (b) do any and all things necessary, proper or expedient in connection with the issuance and sale of such bonds; providing that William C. March shall agree to submit any plans and specifications to, and to coordinate with, the Department of Housing and Community Development in connection with the completion of such project; providing that such

bonds (or bond anticipation notes issued in anticipation of the issuance of such bonds) must be issued and sold within six months from the date this Ordinance is approved by the Mayor, unless the Board of Finance approves one six month extension as provided in this Ordinance; authorizing the issuance of notes in anticipation of the issuance of such revenue bonds; and generally providing for and determining various matters and details in connection with the issuance and sale of such bonds and bond anticipation notes.

### RECITALS

Sub-section (50) of Article II of the Charter of Baltimore City (1964 Revision), as amended (the "Enabling Law"), empowers Mayor and City Council of Baltimore (the "City") to borrow money to finance undertakings for the accomplishment of any of the purposes, objects and powers of the City and in connection therewith to issue bonds, notes, or other obligations (including refunding bonds, notes or other obligations), all of which shall be fully negotiable, payable, as to both principal and interest, solely from and secured solely by a pledge of (I) the revenues from or arising in connection with the property, facilities, developments and improvements whose financing is undertaken by the issuance of such bonds, notes or other obligations, (II) the revenues from or arising in connection with any contracts, mortgages or other securities purchased or otherwise acquired with the proceeds of such bonds, notes or other obligations, (III) the contracts, mortgages or other securities purchased or otherwise acquired with the proceeds of such bonds, notes or other obligations, or (IV) any combination of (I), (II) or (III). The purposes, objects and powers of the City contemplated by the Enabling Law include the relief of conditions of unemployment in Baltimore City, encouraging the increase of industry and a balanced economy in Baltimore City, promoting economic development in Baltimore City, and promoting the health, welfare and safety of the residents of Baltimore City.

The City has received a letter of intent dated October 7, 1981 (the "Letter of Intent") from William C. March



(the "Borrower"), pursuant to which the Borrower has requested the City to participate in the financing of the costs of the completion by the Borrower of a certain project in Baltimore City, Maryland (the "Project"), by issuing and selling the City's industrial development revenue bonds in the aggregate principal amount not to exceed \$1,000,000 (the "Bonds"), and by making the proceeds of the Bonds available to the Borrower to be used by the Borrower for the sole and exclusive purpose of financing the costs of the completion of the Project by the Borrower.

The Project, which is an "undertaking" which will accomplish the purposes, objects and powers of the City as mentioned in the Enabling Law, will consist generally of (a) the acquisition of a tract of land located at 5313-5323 Reisterstown Road consisting of contiguous lots numbered 46, 47/48, 65G, 67/69 and 71/74 of Ward 27, Section 21, Block 4511-D in Baltimore City, (b) the renovation of four buildings totalling 22,977 feet thereon, and (c) the acquisition and installation in such building of any or all machinery and equipment as may be necessary or useful in connection with the operation of an undertaking establishment and funeral parlor. Upon completion, the Project will be owned by the Borrower.

The Enabling Law provides that the City may authorize and empower the Board of Finance of the City (the "Board") by resolution to determine and set forth the form, terms, provisions, manner or method of issuing and selling (including negotiated as well as competitive bid sale), and the time or times of issuance, and any and all other details of the Bonds and the issuance and sale thereof, and to do any and all things necessary, proper or expedient in connection with the issuance and sale of the Bonds.

**NOW THEREFORE, IN ACCORDANCE WITH THE ENABLING LAW:**

**SECTION 1.** *Be it ordained by Mayor and City Council of Baltimore,* That acting pursuant to the Enabling Law, it is hereby found and determined as follows:

(1) The issuance and sale of the Bonds by the City pursuant to the Enabling Law in order to make the pro-

ceeds thereof available to the Borrower for the sole and exclusive purpose of financing the costs of completion of the Project will facilitate and expedite the completion of the Project by the Borrower.

(2) The completion of the Project by the Borrower and the financing of the costs of such completion as provided in this Ordinance will serve to promote the general purposes contemplated by the Enabling Law by (a) sustaining jobs and employment in Baltimore City; (b) promoting economic development in Baltimore City; (c) encouraging the increase of industry and a balanced economy in Baltimore City; and (d) maintain a commercial operation in Baltimore City.

(3) Any and all of the Bonds shall not be general obligations of the City and shall not be a pledge of or involve the faith and credit or the taxing power of the City, and shall not constitute a debt of the City, all within the meaning of Section 7 of Article XI of the Constitution of Maryland or within the meaning of any other constitutional, statutory or charter provision limiting or restricting the sale or issuance of bonds, notes or other obligations of the City. All of the Bonds shall be limited obligations of the City, and shall be fully negotiable, payable, as to both principal and interest, solely from and secured solely by a pledge of (I) the revenues from or arising in connection with the Project, (II) the revenues from or arising in connection with any contracts, mortgages or other securities purchased or otherwise acquired with the proceeds of the Bonds, (III) the contracts, mortgages or other securities purchased or otherwise acquired with the proceeds of the Bonds, or (IV) any combination of (I), (II) or (III), all as the Board may approve by a resolution or resolutions adopted prior to the issuance, sale and delivery of any of the Bonds.

SEC. 2. *And be it further ordained*, That the City is hereby authorized and empowered to issue and sell, at any time or from time to time and in one or more series, as limited obligations of the City and not upon its full faith and credit, its industrial development revenue bonds, in the aggregate principal amount not to exceed \$1,000,000, subject to the provisions of this Ordinance. The proceeds of

the Bonds will be made available to the Borrower under terms and conditions approved by the Board and set forth in a Resolution, and used by the Borrower for the sole and exclusive purpose of financing the costs of the completion of the Project.

SEC. 3. *And be it further ordained*, That this Ordinance constitutes the present intent of the City to issue the Bonds, and the Mayor of the City is hereby authorized to accept the Letter of Intent on behalf of the City in order to further evidence the present intent of the City to issue the Bonds in accordance with the terms and provisions of this Ordinance.

SEC. 4. *And be it further ordained*, That, as permitted by the Enabling Law, the Board is hereby authorized and empowered, by a resolution or resolutions adopted prior to the issuance, sale and delivery of any of the Bonds, to:

(a) prescribe, among other things but not limited to, the form, terms, provisions, manner or method of issuing and selling (including negotiated as well as competitive bid sale), and the time or times of issuance, and any and all other details of the Bonds and the issuance and sale thereof;

(b) approve (i) the pledge or assignment by the City of any of the security described in Section 5 of this Ordinance, pursuant to a trust agreement or similar agreement, (ii) the form of any such trust agreement or similar agreement, as provided in the Enabling Law, and (iii) such provisions in any such trust agreement or similar agreement as the Board may deem reasonable and proper for the security of the holders of the Bonds;

(c) approve the terms and conditions, including but not limited to the terms and conditions of any documents to be executed and delivered by the City (other than customary financing statements and closing certificates), under which the proceeds of the Bonds will be made available to the Borrower to finance the costs of the completion of the Project; and

(d) do any and all things necessary, proper or expedient in connection with the issuance, sale and delivery of the Bonds.



SEC. 5. *And be it further ordained*, That any and all of the Bonds shall not be general obligations of the City and shall not be a pledge of or involve the faith and credit or the taxing power of the City, and shall not constitute a debt of the City, all within the meaning of Section 7 of Article XI of the Constitution of Maryland or any other constitutional, statutory or charter provision limiting or restricting the sale or issuance of bonds, notes or other obligations of the City. All of the Bonds shall be limited obligations of the City, and shall be fully negotiable, payable, as to both principal and interest, solely from and secured solely by a pledge of (I) the revenues from or arising in connection with the Project, (II) the revenues from or arising in connection with any contracts, mortgages or other securities purchased or otherwise acquired with the proceeds of the Bonds, (III) the contracts, mortgages or other securities purchased or otherwise acquired with the proceeds of the Bonds, or (IV) any combination of (I), (II) or (III), all as the Board may approve by a resolution or resolutions adopted prior to the issuance, sale and delivery of any of the Bonds.

SEC. 6. *And be it further ordained*, That the Borrower shall agree that:

(a) it will submit any plans and specifications for the Project to the Department of Housing and Community Development for approval, and that the Department of Housing and Community Development may refuse approval of any plans and specifications for aesthetic or functional reasons; and

(b) it and its developers will work with the design advisory group appointed by the Department of Housing and Community Development in order to achieve high quality site, building, and landscape design.

SEC. 7. *And be it further ordained*, That any and all of the Bonds shall be executed in the name of the City and on its behalf by the Mayor of the City, by his manual or facsimile signature, and by the Director of Finance of the City, by his manual or facsimile signature, and the corporate seal of the City or a facsimile thereof shall be impressed or otherwise reproduced thereon and attested by the Custodian of the City Seal, by his manual signature.

Any trust agreement or other documents as the Board shall deem necessary to effectuate the issuance, sale and delivery of the Bonds shall be executed in the name of the City and on its behalf by the Mayor of the City by his manual or facsimile signature, and the corporate seal of the City or a facsimile thereof shall be impressed or otherwise reproduced thereon and attested by the Custodian of the City Seal by his manual signature. In case any officer whose signature or a facsimile of whose signature shall appear on the Bonds or any of the aforesaid documents shall cease to be such officer before the delivery of the Bonds or any of the other aforesaid documents, such signature or such facsimile shall nevertheless be valid and sufficient for all purposes, the same as if such officer had remained in office until delivery. The Mayor of the City, the Director of Finance of the City, the Custodian of the City Seal and other officials of the City are hereby authorized and empowered to do all such acts and things and execute such documents and certificates as the Board may determine by resolution to be necessary to carry out and comply with the provisions hereof.

SEC. 8. *And be it further ordained,* That any and all necessary financing statements required for the consummation of the transactions authorized by this Ordinance may be executed on behalf of the City by the Mayor of the City or by the Chief, Bureau of Treasury Management of the City or by such other appropriate official of the City as may be designated by the Mayor of the City to execute such financing statements.

SEC. 9. *And be it further ordained,* That the authority to issue the Bonds is intended and shall be deemed to include the authority to issue bond anticipation notes pursuant to Section 12 of Article 31 of the Annotated Code of Maryland (1976 Replacement Volume and 1980 Cumulative Supplement), as amended (the "Bond Anticipation Note Enabling Legislation"). Reference in this Ordinance to the "Bonds" shall include such bond anticipation notes where appropriate. Prior to the issuance, sale and delivery of any series of bond anticipation notes, the Board shall adopt a resolution or resolutions, to:

(a) prescribe, among other things but not limited to, the form, terms, provisions, manner or method of issuing and selling (including negotiated as well as competitive bid sale), and the time or times of issuance, and any and all other details of such bond anticipation notes and the issuance and sale thereof;

(b) approve (i) the pledge or assignment by the City of any of the security described in Section 5 of this Ordinance, pursuant to a trust agreement or similar agreement, (ii) the form of any such trust agreement or similar agreement, as provided in the Enabling Law, and (iii) such provisions in any such trust agreement or similar agreement as the Board may deem reasonable and proper for the security of the holders of such bond anticipation notes;

(c) approve the terms and conditions, including but not limited to the terms and conditions of any documents to be executed and delivered by the City (other than customary financing statements and closing certificates), under which the proceeds of such bond anticipation notes will be made available to the Borrower to finance the costs of the completion of the Project; and

(d) do any and all things necessary, proper or expedient in connection with the issuance, sale and delivery of such bond anticipation notes.

In accordance with the Bond Anticipation Note Enabling Legislation, the City hereby covenants to pay any bond anticipation notes issued pursuant to this Section of this Ordinance and the interest thereon from the proceeds of the Bonds in anticipation of the sale of which such notes are issued, and the City hereby further covenants to issue such Bonds, as the case may be, when, and as soon as, the reason for deferring the issuance of the Bonds no longer exists. The timely issuance of such Bonds, however, is dependent upon matters not within the control of the City, including (without limitation) the existence of a purchaser or purchasers for such Bonds at the time the reason for deferring the issuance of the Bonds no longer exists and the effectiveness of various actions taken by the Borrower, its officers, agents and employees.

SEC. 10. *And be it further ordained*, That the provisions of this Ordinance are severable, and if any provision,



sentence, clause, section or part hereof is held illegal, invalid or unconstitutional or inapplicable to any person or circumstances, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this Ordinance or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this Ordinance would have been passed if such illegal, invalid or unconstitutional provision, sentence, clause, section or part had not been included herein, and if the person or circumstances to which this Ordinance or any part hereof are inapplicable had been specifically exempted herefrom.

SEC. 11. *And be it further ordained*, That either the Bonds or bond anticipation notes issued pursuant to Section 9 of this Ordinance in anticipation of the issuance of the Bonds must be issued and sold within six months from the date on which this Ordinance is approved by the Mayor of the City; provided, however, that the Board, after a showing of good cause at a public hearing held before the Board prior to or after the expiration of such six month period, may extend the period during which either the Bonds or such bond anticipation notes may be issued and sold for one additional term not to exceed six months from the date on which the first six month period expired. The Board, in its sole discretion, and without action by the City Council, shall determine the sufficiency, or lack thereof, of the reasons presented for any requested extension of the six month period. If an extension is granted, notice of such extension and the reasons therefor must be sent to the City Council. To the extent that neither the Bonds nor such bond anticipation notes are issued and sold within twelve months from the date on which this Ordinance is approved by the Mayor of the City, the authority provided in this Ordinance for the City to issue and sell the Bonds and such bond anticipation notes shall expire.

SEC. 12. *And be it further ordained*, That this Ordinance shall take effect from the date of its passage.

Approved October 14, 1981.

WILLIAM DONALD SCHAEFER, *Mayor*.

## No. 442

(Council No. 814)

## AN ORDINANCE concerning

INDUSTRIAL DEVELOPMENT REVENUE BONDS  
(EUTAW PROPERTY ENTERPRISE PROJECT)

FOR the purpose of (a) authorizing and empowering Mayor and City Council of Baltimore to issue and sell, at any time or from time to time and in one or more series, as limited obligations of the City and not upon its full faith and credit, its industrial development revenue bonds in an aggregate principal amount not exceeding \$1,200,000.00 pursuant to the provisions of Article II, subsection (50) of the Charter of Baltimore City (1964 Revision), as amended, for the sole and exclusive purpose of financing the costs of the completion by Eutaw Property Enterprise of a certain project consisting of the acquisition of the real property located at 925 S. Fremont Avenue, and at Hamburg and Eutaw Streets, in the City of Baltimore, Maryland (including the existing improvements thereon), the renovation of certain improvements thereon, and the purchase and installation of certain machinery and equipment therein, to be owned by the Borrower and leased to one or more tenants for use as office and commercial facilities; (b) authorizing the Mayor of the City, on the City's behalf, to accept the letter of intent dated October 7, 1981, from the Borrower to the City; (c) making certain legislative findings; (d) authorizing and empowering the City's Board of Finance by one or more resolutions adopted before the issuance sale and delivery of any series of such bonds, to (i) prescribe, among other things but not limited to, the form, terms, provisions, manner or method of issuing and selling such bonds (including one or more negotiated or competitive bid sales), the time or times of their issuance, and any and all other details of such bonds, and (ii) do any and all things necessary, proper or expedient in connection with the issuance and sale of such bonds; (e) authorizing the Board to adopt one or more supplemental resolutions for certain purposes; (f) authorizing the issuance

of notes in anticipation of the issuance of such bonds; (g) providing that the Borrower shall agree to submit any plans and specifications to, and to cooperate with, the City's Department of Housing and Community Development in connection with the completion of such project; (h) providing that such bonds or bond anticipation notes must be issued and sold within six (6) months from the date on which this Ordinance is approved by the Mayor, unless the Board approves one six-month extension as provided in this Ordinance; and (i) generally providing for and determining various matters and details in connection with the issuance and sale of such bonds and bond anticipation notes.

### RECITALS

Article II, subsection (50) of the Charter of Baltimore City (1964 Revision), as amended (hereinafter referred to as the "Enabling Law"), empowers Mayor and City Council of Baltimore (herein referred to as the "City") to borrow money to finance undertakings for the accomplishment of any of the City's purposes, objects and powers and in connection therewith to issue bonds, notes or other obligations (including refunding bonds, notes or other obligations), all of which shall be fully negotiable and payable, as to both principal and interest, solely from and secured solely by a pledge of any one or more of (a) the revenues from or arising in connection with the property, facilities, developments and improvements whose financing is undertaken by the issuance of such bonds, notes or other obligations, (b) the revenues from or arising in connection with any contracts, mortgages or other securities, purchased or otherwise acquired with the proceeds of such bonds, notes or other obligations, or (c) the contracts, mortgages or other securities purchased or otherwise acquired with the proceeds of such bonds, notes or other obligations. The purposes, objects and powers of the City contemplated by the Enabling Law include the relief of conditions of unemployment in the City of Baltimore, Maryland, encouraging the increase of industry and a balanced economy therein, promoting economic development therein, and promoting the health, welfare and safety of the residents thereof.



The City has received a letter of intent dated October 7, 1981 (hereinafter referred to as the "Letter of Intent"), from Eutaw Property Enterprise, a general partnership organized and existing under the law of Maryland (herein referred to as the "Borrower"), pursuant to which the Borrower has requested the City to participate in financing the costs of the Borrower's completion of a certain project in the City of Baltimore, Maryland (herein referred to as the "Project"), by issuing and selling the City's industrial development revenue bonds in an aggregate principal sum not exceeding \$1,200,000.00 (hereinafter referred to as the "Bonds"), and by making the proceeds of the Bonds available to the Borrower to be used by it for the sole and exclusive purpose of financing the costs of its completion of the Project.

The Project will consist generally of (a) the acquisition of a tract of land located at 925 S. Fremont Avenue, Baltimore, Maryland, and the existing improvements thereon (consisting of, among other things, a multi-story building now owned and formerly occupied by The Salvation Army), (b) the renovation of such existing improvements for warehouse space and/or other uses, and the construction or renovation of other improvements thereon, (c) the demolition of certain improvements on a tract of land located at Hamburg and Eutaw Streets and owned by the Borrower and adjoining the first said tract of land, the construction of certain new buildings thereon, and the construction or renovation of other improvements thereon, (d) the acquisition, construction and installation in any or all of such improvements of such machinery and equipment, and such other improvements, as may be necessary or useful in connection with the operation thereof, and (e) the acquisition of such other interests in land (including, by way of example rather than of limitation, roads, rights of access, utilities and other necessary site preparation facilities) as may be necessary or suitable for the foregoing purposes. Upon its completion, the Project will be owned by the Borrower and leased to Leidy Chemicals Corporation, Inland Oil and Chemical Corp. (each of which is an affiliate of the Borrower), and/or

to other affiliates of the Borrower, for use for warehouse, office, manufacturing and distribution purposes in connection with their respective businesses.

The Enabling Law provides that the City may authorize and empower the City's Board of Finance (herein referred to as the "Board") by resolution to determine and set forth the form, terms, provisions, manner or method of issuing and selling the Bonds (including one or more negotiated or competitive bid sales), the time or times of their issuance, and any and all other details of the Bonds and the issuance and sale thereof, and to do any and all things necessary, proper or expedient in connection with the issuance and sale of the Bonds.

NOW, THEREFORE, IN ACCORDANCE WITH THE PROVISIONS OF THE ENABLING LAW,

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That, acting pursuant to the provisions of the Enabling Law, it is hereby found and determined that

1.1. The City's issuance and sale of the Bonds pursuant to the provisions of the Enabling Law in order to make the proceeds thereof available to the Borrower for the sole and exclusive purpose of financing the costs of completion of the Project will facilitate and expedite such completion.

1.2. The Borrower's completion of the Project and the financing of the costs thereof as provided in this Ordinance will serve to promote the general purposes contemplated by the Enabling Law by (a) sustaining and increasing jobs and employment in the City of Baltimore, (b) promoting economic development therein, and (c) encouraging the increase of industry and a balanced economy therein.

1.3. The Bonds shall not be general obligations of the City, shall not be a pledge of or involve the City's faith and credit or taxing power, and shall not constitute a debt of the City, all within the meaning of the provisions of Article XI, Section 7 of the Constitution of Maryland or any other constitutional, statutory or charter provision limiting or restricting the sale or issuance of the City's

bonds, notes or other obligations. The Bonds shall be limited obligations of the City, shall be fully negotiable, and shall be payable, as to both principal and interest, solely from and secured solely by a pledge of any one or more of (a) the revenues from or arising in connection with the Project, (b) the revenues from or arising in connection with any contracts, mortgages or other securities purchased or otherwise acquired with the proceeds of the Bonds, and (c) the contracts, mortgages or other securities purchased or otherwise acquired with the proceeds of the Bonds, all as the Board may approve by one or more resolutions adopted before the issuance, sale and delivery of any of the Bonds.

SEC. 2. *And be it further ordained*, That the City is hereby authorized and empowered to issue and sell, at any time or from time to time and in one or more series, as limited obligations of the City and not upon its full faith and credit, its industrial development revenue bonds in an aggregate principal sum not exceeding \$1,200,000.00, subject to the provisions of this Ordinance. The proceeds of the Bonds shall be made available to the Borrower under terms and conditions approved by the Board and set forth in a resolution, and shall be used by the Borrower for the sole purpose of financing the costs of the completion of the Project. ANY PROCEEDS OF THE BONDS, AND ANY SUMS EARNED BY INVESTMENT OF SUCH PROCEEDS BEFORE DISBURSEMENT, WHICH PROCEEDS AND OTHER SUMS REMAIN UNDISBURSED AFTER MAKING FULL PAYMENT (OR PROVISION THEREFOR) OF THE COSTS OF THE COMPLETION OF THE PROJECT, SHALL BE APPLIED TO THE REDEMPTION OF THE BONDS AT THE EARLIEST PRACTICABLE REDEMPTION DATE.

SEC. 3. *And be it further ordained*, That this Ordinance constitutes the present intent of the City to issue the Bonds, and the Mayor of the City (herein referred to as the "Mayor") is hereby authorized to accept the Letter of Intent on the City's behalf to further evidence the City's present intent to issue the Bonds in accordance with the provisions of this Ordinance.



SEC. 4. *And be it further ordained*, That, as permitted by the Enabling Law, the Board is hereby authorized and empowered, by one or more resolutions adopted before the issuance, sale and delivery of any of the Bonds, to

4.1. prescribe, among other things but not limited to, the form, terms, provisions, manner or method of issuing and selling the Bonds (including one or more negotiated or competitive bid sales), the time or times of their issuance, and any and all other details of the Bonds and their issuance and sale;

4.2. approve (a) the City's pledge or assignment of any of the security described in by the provisions of Section 6 hereof, pursuant to a trust agreement or similar agreement, (b) the form of any such trust agreement or similar agreement, as provided in the Enabling Law, and (c) such provisions in any such trust agreement or similar agreement as the Board may deem reasonable and proper for the security of the holders of the Bonds;

4.3. approve the terms and conditions, including but not limited to the terms and conditions of any documents to be executed and delivered by the City (other than customary financing statements and closing certificates), under which the proceeds of the Bonds will be made available to the Borrower to finance the costs of the completion of the Project; and

4.4. do any and all things necessary, proper or expedient in connection with the issuance, sale and delivery of the Bonds.

SEC. 5. *And be it further ordained*, That the Board is hereby authorized and empowered to adopt one or more resolutions from time to time, either before or after the issuance, sale and delivery of the Bonds, to supplement the resolution or resolutions referred to in the provisions of Sections 4 and 8 hereof, and thereby to approve amendments or supplements to or substitutes for the forms and provisions of the Bonds, such trust agreement or similar agreement and all other documents approved by such resolution or resolutions, provided that each such supplemental resolution and each such amendment, supplement or substitute shall be in accordance with the provisions of the Enabling Law and this Ordinance.

SEC. 6. *And be it further ordained,* That the Bonds shall not be general obligations of the City, shall not be a pledge of or involve the City's faith and credit or taxing power, and shall not constitute a debt of the City, all within the meaning of the provisions of Article XI, Section 7 of the Constitution of Maryland or any other constitutional, statutory or charter provision limiting or restricting the sale or issuance of the City's bonds, notes or other obligations. The Bonds shall be limited obligations of the City, shall be fully negotiable, and shall be payable, as to both principal and interest, solely from and secured solely by a pledge of any one or more of (a) the revenues from or arising in connection with the Project, (b) the revenues from or arising in connection with any contracts, mortgages or other securities purchased or otherwise acquired with the proceeds of the Bonds, or (c) the contracts, mortgages or other securities purchased or otherwise acquired with the proceeds of the Bonds, all as the Board may approve by one or more resolutions adopted before the issuance, sale and delivery of any of the Bonds.

SEC. 7. *And be it further ordained,* That the Bonds shall be executed in the City's name and on its behalf by the Mayor, by his manual or facsimile signature, and by the City's Director of Finance, by his manual or facsimile signature, and the City's corporate seal or a facsimile thereof shall be impressed or otherwise reproduced thereon and attested by the Custodian of the City Seal, by his manual signature. The trust agreement or similar agreement and all other documents approved by the resolution or resolutions referred to in the provisions of Sections 4 and 8 hereof, and any and all amendments thereto approved by a resolution referred to in the provisions of Section 5 hereof, shall be executed in the City's name and on its behalf by the Mayor by his manual signature, and the City's corporate seal or a facsimile thereof shall be impressed or otherwise reproduced thereon and attested by the Custodian of the City Seal, by his manual signature. In case any officer whose signature or a facsimile thereof shall appear on the Bonds or any of the said documents shall cease to be such officer before the delivery of the Bonds or any other such document, such signature or such facsimile shall nevertheless be valid and sufficient for all

purposes, as if such officer had remained in office until delivery. The Mayor, the City's Director of Finance, the Custodian of the City Seal and other officials of the City are hereby authorized and empowered to do all such acts and things and execute such documents and certificates as the Board may determine in the resolutions referred to in the provisions of Sections 4, 5 and 8 hereof to be necessary to carry out and comply with the provisions hereof.

SEC. 8. *And be it further ordained*, That the authority to issue the Bonds is intended and shall be deemed to include the authority to issue bond anticipation notes pursuant to the provisions of Article 31, Section 12 of the Annotated Code of Maryland (1976 Replacement Volume and 198[0] Cumulative Supplement), as amended (hereinafter referred to as the "Note Enabling Law"). Reference in this Ordinance to the Bonds shall include such bond anticipation notes where appropriate. As permitted by the provisions of the Enabling Law and the Note Enabling Law, the Board is hereby authorized and empowered, by one or more resolutions adopted before the issuance, sale and delivery of any of such bond anticipation notes, to

8.1. prescribe, among other things but not limited to, the form, terms, provisions, manner or method of issuing and selling any such bond anticipation notes (including one or more negotiated or competitive bid sales), the time or times of their issuance, and any and all other details of such bond anticipation notes and their issuance and sale;

8.2. approve (a) the City's pledge or assignment of any of the security described in the provisions of Section 6 hereof, pursuant to a trust agreement or similar agreement, (b) the form of any such trust agreement or similar agreement, as provided in the Enabling Law or the Note Enabling Law, and (c) such provisions in any such trust agreement or similar agreement as the Board may deem reasonable and proper for the security of the holders of such bond anticipation notes;

8.3. approve the terms and conditions, including but not limited to the terms and conditions of any documents to be executed and delivered by the City (other than customary financing statements and closing certificates), under



which the proceeds of such bond anticipation notes will be made available to the Borrower to finance the costs of the completion of the Project; and

8.4. do any and all things necessary, proper or expedient in connection with the issuance, sale and delivery of such bond anticipation notes.

In accordance with the Note Enabling Law, the City hereby covenants (a) to pay any bond anticipation notes issued pursuant to the provisions of this Section, and the interest thereon, from the proceeds of the Bonds in anticipation of the sale of which such notes are issued, and (b) to issue such Bonds when, and as soon as, the reason for deferring the issuance of the Bonds no longer exists. The timely issuance of such Bonds, however, is dependent upon matters not within the City's control, including (without limitation) the existence of a purchaser or purchasers of such Bonds when the reason for deferring the issuance of the Bonds no longer exists, and the effectiveness of various actions taken by the Borrower, its officers, agents and employees.

SEC. 9. *And be it further ordained*, That the Borrower shall agree that

9.1. it will submit any plans and specifications for the Project to the City's Department of Housing and Community Development for approval, and that such Department may refuse approval of any such plans and specifications for aesthetic or functional reasons; and

9.2. it and its developers will work with the design advisory group appointed by such Department to achieve high quality site, building and landscape design.

SEC. 10. *And be it further ordained*, That the provisions of this Ordinance are severable, and if any provision, sentence, clause, section or part hereof is held illegal, invalid or unconstitutional or inapplicable to any person or circumstance, such illegality, invalidity, unconstitutionality or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance or their application to other persons or

circumstances. It is hereby declared to be the legislative intent that this Ordinance would have been passed if such illegal, invalid or unconstitutional provision, sentence, clause, section or part had not been included herein, and if the person or circumstances to which this Ordinance or any part hereof is inapplicable had been specifically exempted herefrom.

SEC. 11. *And be it further ordained*, That either the Bonds or any bond anticipation notes issued pursuant to the provisions of Section 8 hereof must be issued and sold within six (6) months from the date on which this Ordinance is approved by the Mayor; provided, that the Board, after a showing of good cause at a public hearing held before the Board before or after the expiration of such six-month period, may extend the period during which either the Bonds or such bond anticipation notes may be issued and sold for one additional term not exceeding six (6) months from the date on which the first six-month period expires. The Board, in its sole discretion and without action by the City Council of the City, shall determine the sufficiency, or lack thereof, of the reasons presented for any requested extension of such six-month period. If an extension is granted, notice of such extension and the reasons therefor must be sent to the City Council of the City. To the extent that neither the Bonds nor such bond anticipation notes are issued and sold within twelve (12) months from the date on which this Ordinance is approved by the Mayor, the authority provided in this Ordinance for the City to issue and sell the Bonds and such bond anticipation notes shall expire.

SEC. 12. *And be it further ordained*, That this Ordinance shall take effect from the date of its passage.

Approved October 14, 1981.

WILLIAM DONALD SCHAEFER, *Mayor*.

## No. 443

(Council No. 815)

## AN ORDINANCE concerning

ISSUANCE OF INDUSTRIAL DEVELOPMENT  
REVENUE BONDS—A. V. & E. INDUSTRIES,  
INC. PROJECT

FOR the purpose of authorizing and providing for the issuance from time to time, by the Mayor and City Council of Baltimore, Maryland of its revenue bonds, designated "Industrial Development Revenue Bonds (A. V. & E. Industries, Inc. Project)" in an aggregate principal amount not exceeding \$370,000 pursuant to the provisions of Sections 266A through 266-I, inclusive, of Article 41 of the Annotated Code of Maryland (1978 Replacement Volume and 1981 Cumulative Supplement) in order to loan the proceeds to an industrial concern consisting of such corporation, partnership or joint venture as may be designated by the Mayor and City Council of Baltimore acting through the Mayor as the nominee of such City, for the sole and exclusive purpose of financing the acquisition of certain industrial facilities in the City of Baltimore as provided in this ordinance; making certain legislative findings, among others, concerning the public benefit and purpose of the revenue bonds; providing that such revenue bonds (a) shall be payable solely and only from revenue derived from payments to the City on account of such loan and (b) shall not ever constitute within the meaning of any constitutional or charter provision or otherwise (i) an indebtedness of Mayor and City Council of Baltimore, or any other political subdivision or (ii) a charge against the general credit or taxing powers of such City; providing that this ordinance shall constitute a binding and enforceable commitment by such City to issue the revenue bonds so authorized; providing for the private (negotiated) sale of such revenue bonds unless the Board of Finance of Baltimore, Maryland, upon the request of the Developer, as hereinafter defined, shall determine by resolution to sell such revenue bonds at public sale; providing that certain matters pertaining to such revenue bonds, including (without limitation)



amounts and dates of any series of such revenue bonds, shall be determined administratively at or prior to the time of such sale of any series of such revenue bonds; delegating various matters to the Board of Finance of the City, including (without limitation) the sale of any series of such revenue bonds, the establishment of the interest rate or rates at the time of such sale and the appointment of a trustee, if requested by the Developer to act under the ordinance as a trustee for all moneys received by the City hereunder; providing that there shall be determined by resolution or by other appropriate action all other matters pertaining to the issuance, sale and delivery of any series of such revenue bonds, including (without limitation) the provisions of trust between the City and the trustee, if any, the execution of a financing agreement or such other contracts, agreements or instruments which the City may deem appropriate to effect the financing of the industrial facilities, the creation of a loan or construction fund to be held by the trustee and provision for its disbursement, provision for the investment of moneys held by the trustee, if any, provision of remedies for bondholders in the event of default, and provision for the enactment of supplemental ordinances and resolutions; providing that the authorization of such revenue bonds shall expire if such revenue bonds are not issued and sold within six months from the date on which this ordinance is approved, unless such authorization is extended by the Board of Finance for an additional term not to exceed six months; and generally providing for and determining various matters in connection with the authorization, issuance, security, sale and payment of such revenue bonds.

### RECITALS

Sections 266A through 266-I, inclusive, of Article 41 of the Annotated Code of Maryland (1978 Replacement Volume and 1981 Cumulative Supplement), as re-enacted, with amendments, by Chapter 352 of the Laws of Maryland of 1972 and as amended by Chapter 396 of the Laws of Maryland of 1973, Chapter 342 of the Laws of Maryland of 1975, Chapter 421 of the Laws of Maryland of 1976, Chapters 348 and 528 of the Laws of

Maryland of 1977, Chapters 816, 945, 946, and 953 of the Laws of Maryland of 1978, and Chapters 492, 511, 704, 726, and 731 of the Laws of Maryland of 1979 (collectively, the "Enabling Legislation") constitute those provisions of Maryland law authorizing the issuance of industrial revenue bonds by all the counties and municipalities of the State of Maryland (the "State").

The Enabling Legislation now empowers the counties and municipalities of the State (including the Mayor and City Council of Baltimore) to issue revenue bonds and to loan the proceeds of the sale of such revenue bonds to an "industrial concern" to finance the "acquisition" by such concern of "industrial buildings", as those terms are defined in the Enabling Legislation. The Enabling Legislation declares it to be the legislative purpose to relieve conditions of unemployment in the State, to encourage the increase of industry and a balanced economy in the State, to assist in the retention of existing industry in the State, to promote economic development, and in this manner to promote the health, welfare, and safety of the residents of each of the counties and municipalities of the State.

Mayor and City Council of Baltimore (the "City") has determined to issue and sell not exceeding \$370,000 aggregate principal amount of its revenue bonds, hereinafter designated "Industrial Development Revenue Bonds (A. V. & E. Industries, Inc. Project)" (the "Bonds") and to loan the proceeds of such Bonds to an industrial concern (as mentioned in the Enabling Legislation) consisting of such corporation, partnership or joint venture or other entity as may be designated by the City acting through the Mayor as the nominee of the City (the "Developer") on the terms and conditions to be set forth in a financing agreement executed pursuant to this ordinance (the "Financing Agreement") in order to finance the acquisition of certain industrial facilities located partially in the City and partially in Baltimore County, as described below (the "Facilities"). Upon being designated as the nominee of the City, the Developer submitted a letter of intent (as mentioned in the Enabling Legislation) to the Mayor, dated October 7, 1981.

The Facility will consist of a 33.069 acre undeveloped tract of land located on the south side of the 600 block of West Patapsco Avenue, a masonry and steel industrial building of approximately 5,000 square feet, and a brick and steel office building of approximately 1,000 square feet. The Facility will be used in the storage and repair of intermodal freight containers and container chassis. It is anticipated that the acquisition of the Facility will be accomplished by (i) the acquisition of the land on the 600 block of West Patapsco Avenue; (ii) the construction of the above-mentioned office and industrial buildings; and (iii) the grading and paving of land surrounding the buildings for parking and container storage. It is intended that this ordinance constitute an ordinance or resolution within the meaning of Section 266B(d) of the Enabling Legislation.

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That, acting pursuant to the Enabling Legislation, it is hereby found and determined, as follows:

(1) The issuance of revenue bonds by the City pursuant to the Enabling Legislation in order to loan the proceeds to the Developer for the sole and exclusive purpose of acquiring the Facilities will facilitate and expedite the acquisition of the Facilities by the Developer;

(2) The accomplishment of the transactions contemplated and authorized by this ordinance, including (without limitation) the acquisition of the Facilities by the Developer and the financing thereof will (i) sustain and increase jobs and employment, thereby relieving conditions of unemployment in the State and in the City; (ii) encourage the increase of industry and a balanced economy in the State and in the City; (iii) assist in the retention of existing industry in the State and in the City; (iv) promote economic development; and (v) promote the health, welfare and safety of the residents of the City and of the State.

(3) In addition to authorizing the City itself to acquire and either to lease or to sell such facilities to an industrial concern, the Enabling Legislation, as an alternative procedure, authorizes financing of the Facilities to be



accomplished in the form of a loan to the Developer. The loan form of transaction avoids indirect costs and burdens on the City by not requiring any direct involvement by the City in the acquisition, ownership or administration of such facilities; however, it permits controls to be imposed on the use of the proceeds of the Bonds to insure that the public purposes of the Enabling Legislation and the Bonds are fully accomplished. It is, therefore, in the best interests of the citizens of the City to finance the Facilities by a loan to the Developer. This ordinance contemplates and authorizes a transaction in the form of a loan of the proceeds of the Bonds by the City to the Developer in the form of a conveyance of certain real property in exchange for the issuance of the Bonds, rather than a transaction in the form of a lease or sale of the Facilities. Accordingly, this ordinance and the Financing Agreement hereby authorized contain such provisions as the City deems appropriate to effect the financing of the Facilities by the loan form of transaction.

(4) Neither the Bonds nor interest coupons issued under the authority of the Enabling Legislation constitute an indebtedness of the City or a charge against the general credit or taxing powers of the City within the meaning of any constitutional provision or provisions of the City Charter or statutory limitation and shall never constitute or give rise to any pecuniary liability of the City. The principal of and interest on the Bonds shall be payable from, and secured solely and only by a pledge of, the revenues derived from loan repayments under the Loan Agreement. The principal amount of the loan and the payments to be made by the Developer pursuant to the Financing Agreement will be paid directly to, and will be disbursed by, the independent trustee, if requested by the Developer, appointed by the Board of Finance of the City pursuant hereto; no such moneys will be commingled with the City's funds or be subject to the absolute control of the City but only to such limited supervision and checks as are deemed necessary or desirable to insure that the proceeds of the Bonds are used to accomplish the public purposes of the Enabling Legislation and this ordinance. The Enabling Legislation provides that a loan form of transaction thereunder shall not constitute a capital project

within the meaning of any charter or statutory provision. The public purposes expressed in the Enabling Legislation are intended to be achieved by facilitating the acquisition of the Facilities by the Developer.

(5) The security for the Bonds shall be solely and exclusively the absolute, irrevocable, unconditional obligation of the Developer to make the payments required by the Financing Agreement, together with any other security provided by the Developer. Accordingly, this ordinance definitely fixes and determines that the amount of revenue necessary to be set apart and applied to the payment of principal, interest and premium of the Bonds shall be the entire amount of the receipts and revenues of the City from payments under the Financing Agreement except for any rights of the City to indemnification and to payments for the City's administrative expenses.

(6) (a) No part or proportion of the receipts and revenues of the City from the loan shall be set aside as a depreciation account (mentioned in the Enabling Legislation) since such a depreciation account would (i) be inconsistent with the transactions authorized hereby and (ii) place an unreasonable burden on the Developer so as to adversely affect the feasibility of the transactions and thus frustrate the legislative purposes of the Enabling Legislation and (b) a covenant such as that permitted by Section 266G(c) of the Enabling Legislation will be included in the Financing Agreement authorized hereby.

SEC. 2. *And be it further ordained*, That this ordinance is intended to be, and shall constitute, a binding and enforceable commitment by the City to the Developer to issue and deliver the Bonds authorized hereby in accordance with the terms hereof. It is contemplated that the Developer may proceed with the acquisition of the Facilities prior to the issuance and delivery of the Bonds authorized hereby in reliance upon the enactment of this ordinance by the City.

SEC. 3. *And be it further ordained*, That the issuance, sale and delivery of not exceeding \$370,000 aggregate principal amount of revenue bonds, hereby designated "Industrial Development Revenue Bonds (A. V. & E. Indus-

tries, Inc. Project)”, are hereby authorized, subject to the provisions of this ordinance, such Bonds to be solely and exclusively payable from, and secured by, the revenue derived from payments on the loan to the Developer as provided herein. The aggregate principal amount of Bonds issued, sold and delivered pursuant to this ordinance shall not exceed \$370,000 unless such amount shall be increased by an ordinance supplemental hereto.

The City Council hereby recognizes the function of the Mayor and the Board of Finance in making the executive and administrative determinations necessary for the issuance of bonds of the City. This ordinance, therefore, provides that the Board of Finance may make certain administrative determinations in connection with the issuance and sale of the Bonds, such determinations to be effective only after approval by the Mayor or Acting Mayor.

The Bonds may be redesignated by the Board of Finance by resolution in order to reflect the name of the entity to whom the loan is to be made, to set forth the then-current name of the Facilities or to clarify any matters relating to the Facilities or the Developer. The Bonds may be further identified by the year of issue or such other appropriate designation as the Board of Finance may determine by resolution adopted prior to the delivery of the Bonds. The aggregate principal amount of Bonds to be issued pursuant to this ordinance at any one time shall be determined by the Board of Finance by resolution adopted prior to the delivery of the Bonds.

The Bonds of a series of Bonds shall be dated as of the first day of the month next following the date on which such series of Bonds is sold unless the Board of Finance shall specify a different date in its resolution hereinafter described. Such Bonds shall bear interest at an annual rate of 13% for the first 3 years, followed thereafter at a rate equal to the greater of (a) 65% of the commercial prime rate paid at the Union Trust Company, or (b) 13%, payable monthly, following the date of such series of Bonds so that, if the Bonds of a series are dated November 1, 1981, interest on that series of Bonds will be payable on December 1, 1981, and monthly thereafter.



**The unusual length of the ordinances passed in the 1980-81 councilmanic year has required binding them in two volumes. The remainder of Ordinance No. 443 will be found in Volume II.**



UNIV. OF MD COLLEGE PARK



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